



**CITY OF LONOKE**

---

**UNIFIED DEVELOPMENT CODE**

*As Amended by:*

**Ordinance 811**

**April 10, 2023**

# TABLE OF CONTENTS

<b>ARTICLE I: GENERAL .....</b>	<b>7</b>
<b>SECTION 1.1 TITLE AND PURPOSE .....</b>	<b>7</b>
<i>1.1.1 Citation .....</i>	<i>7</i>
<i>1.1.2 Purpose .....</i>	<i>7</i>
<b>SECTION 1.2 AUTHORITY .....</b>	<b>7</b>
<b>SECTION 1.3 JURISDICTION .....</b>	<b>7</b>
<i>1.3.1 Planning Area Boundary.....</i>	<i>7</i>
<i>1.3.2 Applicability .....</i>	<i>8</i>
<b>SECTION 1.4 VALIDITY AND REPEAL .....</b>	<b>8</b>
<i>1.4.1 Validity.....</i>	<i>8</i>
<i>1.4.2 Repeal .....</i>	<i>8</i>
<b>ARTICLE II: UNIVERSAL APPLICATIONS .....</b>	<b>9</b>
<b>SECTION 2.1 AMENDMENTS .....</b>	<b>9</b>
<b>SECTION 2.2 APPLICATIONS.....</b>	<b>9</b>
<b>SECTION 2.3 PUBLIC HEARINGS .....</b>	<b>9</b>
<i>2.3.1 Public Hearings .....</i>	<i>9</i>
<i>2.3.2 Amendments .....</i>	<i>9</i>
<i>2.3.3 Board of Adjustment.....</i>	<i>9</i>
<i>2.3.4 Meetings .....</i>	<i>9</i>
<b>SECTION 2.4 APPEALS .....</b>	<b>10</b>
<i>2.4.1 Appeals from the decisions of the Planning Commission.....</i>	<i>10</i>
<i>2.4.2 Appeals from the decisions of the Board of Adjustment .....</i>	<i>11</i>
<i>2.4.3 Appeals from the decisions of the Administrative Official .....</i>	<i>11</i>
<b>SECTION 2.5 EXPIRATIONS, EXTENSIONS, AND REINSTATEMENTS.....</b>	<b>11</b>
<b>SECTION 2.6 FEES .....</b>	<b>12</b>
<b>SECTION 2.7 SUBMITTAL DEADLINES .....</b>	<b>12</b>
<b>ARTICLE III: ADMINISTRATION AND ENFORCEMENT .....</b>	<b>13</b>
<b>SECTION 3.1 ADMINISTRATIVE OFFICIAL .....</b>	<b>13</b>
<b>SECTION 3.2 GENERAL PROVISIONS .....</b>	<b>13</b>
<b>SECTION 3.3 VIOLATION AND PENALTIES .....</b>	<b>13</b>
<b>SECTION 3.4 BUILDING PERMITS .....</b>	<b>14</b>
<b>SECTION 3.5 MISCELLANEOUS .....</b>	<b>15</b>
<i>3.5.1 Sale of Lots.....</i>	<i>15</i>
<i>3.5.2 Metes and Bounds Descriptions.....</i>	<i>15</i>
<i>3.5.3 Certificate of Occupancy and Compliance.....</i>	<i>15</i>
<b>ARTICLE IV: ZONING REGULATIONS .....</b>	<b>16</b>
<b>SECTION 4.1 GENERAL .....</b>	<b>16</b>
<i>4.1.1 Applicability .....</i>	<i>16</i>
<i>4.1.2 Official Zoning Map.....</i>	<i>16</i>
<i>4.1.3 Establishment of Zoning Districts .....</i>	<i>16</i>
<i>4.1.4 Relationship to Land Use Plan.....</i>	<i>16</i>
<i>4.1.5 Interpretation of District Boundaries.....</i>	<i>17</i>
<i>4.1.6 Classification of Annexed Lands .....</i>	<i>17</i>
<i>4.1.7 Scope of Regulations .....</i>	<i>17</i>
<i>4.1.8 Determination as to Uses Not Listed.....</i>	<i>18</i>
<i>4.1.9 Completion of Existing Buildings.....</i>	<i>18</i>
<i>4.1.10 Areas not to be Diminished .....</i>	<i>18</i>
<i>4.1.11 Principal Structure on Lot.....</i>	<i>18</i>
<i>4.1.12 Lots of Record .....</i>	<i>19</i>

<b>SECTION 4.2 AGRICULTURAL DISTRICT REGULATIONS</b> .....	<b>19</b>
4.2.1 <i>General Description</i> .....	19
4.2.2 <i>Permitted Uses and Conditional Uses</i> .....	19
4.2.3 <i>Yard, Size, and Area Requirements</i> .....	19
4.2.4 <i>Signs</i> .....	20
4.2.5 <i>Parking</i> .....	20
<b>SECTION 4.3 RESIDENTIAL DISTRICT REGULATIONS</b> .....	<b>20</b>
4.3.1 <i>General Descriptions</i> .....	20
4.3.2 <i>Permitted Uses and Conditional Uses</i> .....	21
4.3.3 <i>Special Prohibited Uses</i> .....	22
4.3.4 <i>Yard, Size, and Area Requirements</i> .....	22
4.3.5 <i>Signs</i> .....	23
4.3.6 <i>Parking</i> .....	23
4.3.7 <i>Special Provisions for the R-MH District</i> .....	23
<b>SECTION 4.4 COMMERCIAL DISTRICT REGULATIONS</b> .....	<b>24</b>
4.4.1 <i>General Descriptions</i> .....	24
4.4.2 <i>Permitted Uses and Conditional Uses</i> .....	24
4.4.3 <i>Special Prohibited Uses</i> .....	25
4.4.4 <i>Yard and Area Requirements</i> .....	26
4.4.5 <i>Signs</i> .....	26
4.4.6 <i>Parking</i> .....	26
<b>SECTION 4.5 INDUSTRIAL DISTRICT REGULATIONS</b> .....	<b>26</b>
4.5.1 <i>General Description</i> .....	26
4.5.2 <i>Permitted Uses and Conditional Uses</i> .....	27
4.5.3 <i>Yard, Size, and Area Requirements</i> .....	27
4.5.4 <i>Signs</i> .....	28
4.5.5 <i>Parking</i> .....	28
<b>SECTION 4.6 HOME OCCUPATION</b> .....	<b>28</b>
4.6.1 <i>General Purpose</i> .....	28
<b>SECTION 4.7 MANUFACTURED HOME PARK</b> .....	<b>28</b>
4.7.1 <i>General Purpose</i> .....	28
4.7.2 <i>Required Conditions</i> .....	29
4.7.3 <i>Design</i> .....	29
<b>SECTION 4.8 PLANNED UNIT DEVELOPMENT (PUD)</b> .....	<b>30</b>
4.8.1 <i>General Description</i> .....	30
4.8.2 <i>Application Process</i> .....	30
4.8.3 <i>Uses Permitted</i> .....	31
4.8.4 <i>Regulations</i> .....	31
4.8.5 <i>Review Process</i> .....	33
4.8.6 <i>City Council Approval</i> .....	34
4.8.7 <i>Amendments</i> .....	34
<b>SECTION 4.9 CENTER STREET OVERLAY DISTRICT</b> .....	<b>35</b>
4.9.1 <i>Purpose</i> .....	35
4.9.2 <i>Boundaries</i> .....	35
4.9.3 <i>Application</i> .....	35
4.9.4 <i>Site and Development Standards</i> .....	35
4.9.5 <i>Review Procedure</i> .....	36
<b>SECTION 4.10 I-40 INTERCHANGE OVERLAY DISTRICT</b> .....	<b>37</b>
4.10.1 <i>Purpose</i> .....	37
4.10.2 <i>Boundaries</i> .....	37
4.10.3 <i>Application</i> .....	37
4.10.4 <i>Site and Development Standards</i> .....	38
4.10.5 <i>Review Process</i> .....	41
4.10.6 <i>Exempt Waiver</i> .....	41
<b>SECTION 4.11 - 4.13 RESERVED FOR ADDITIONAL DISTRICT REGULATIONS</b> .....	<b>41</b>
<b>SECTION 4.14 ACCESSORY BUILDINGS</b> .....	<b>42</b>
<b>SECTION 4.15 ADDITIONAL DISTRICT PROVISIONS</b> .....	<b>42</b>
4.15.1 <i>Address Posting</i> .....	42

4.15.2 Automobile Wrecking, Junk, and Salvage Yards.....	42
4.15.3 Child Care Centers .....	43
4.15.4 Day Care Family Homes.....	43
4.15.5 Residential Home Day Cares.....	44
4.15.6 Flammable Liquids and Gases.....	44
4.15.7 Floodways and Flood Plains.....	44
4.15.8 Visibility at Intersections.....	44
4.15.9 Live/Work Units .....	46
4.15.10 Fences .....	46
4.15.11 Community Gardens .....	47
4.15.12 Solar Panels/Solar Water Heating Systems.....	48
<b>SECTION 4.16 AMENDMENTS TO ZONING REGULATIONS.....</b>	<b>49</b>
4.16.1 General.....	49
4.16.2 Requests for amendments.....	49
4.16.3 Amendments initiated by the City Council .....	49
4.16.4 Amendments initiated by the Planning Commission .....	49
4.16.5 Amendments Initiated by Property Owners.....	50
<b>SECTION 4.17 BOARD OF ADJUSTMENT .....</b>	<b>51</b>
4.17.1 Organization .....	51
4.17.2 Meetings and Hearings .....	51
4.17.3 Powers and Duties .....	51
4.17.4 Appeals.....	52
4.17.5 Procedure for Variance Applications.....	52
<b>SECTION 4.19 CONDITIONAL USES.....</b>	<b>53</b>
4.19.1 Purpose .....	53
4.19.2 Application for Conditional Use Permit .....	53
4.19.3 Hearing on Application and Notice Requirements.....	54
4.19.4 Finding of Fact.....	54
4.19.5 Conditions of Conditional Use.....	55
4.19.6 Deadline for Planning Commission Decision .....	55
4.19.7 Effect of Denial of a Conditional Use .....	55
4.19.8 Lapse of a Conditional Use Permit .....	55
4.19.9 Appeals from Decision of Planning Commission.....	55
<b>SECTION 4.20 RESERVED .....</b>	<b>55</b>
<b>SECTION 4.21 SIGNS .....</b>	<b>56</b>
4.21.1 Administration.....	56
4.21.2 Rules of Construction.....	56
4.21.3 Permit Requirement .....	56
4.21.4 Penalty .....	56
4.21.5 Permit Exemptions .....	56
4.21.6 Prohibited Signs.....	57
4.21.7 Exemptions .....	57
4.21.8 Placement and Construction Standards.....	58
4.21.9 Sign Allowed by Zoning District .....	58
4.21.10 Content of Signs .....	61
4.21.11 Non-Conforming Signs.....	61
<b>SECTION 4.22 OFF-STREET PARKING, AND LOADING.....</b>	<b>61</b>
4.22.1 General Purpose .....	61
4.22.2 General Provisions.....	61
4.22.3 Parking Space and Driveway Design.....	62
4.22.4 Loading Space Design.....	62
4.22.5 Schedule of Parking Requirements.....	63
4.22.6 Schedule of Loading and Unloading Requirements .....	63
<b>SECTION 4.23 WIRELESS COMMUNICATION TOWERS .....</b>	<b>64</b>
4.23.1 Application and Zoning Requirements .....	64
4.23.2 Development Standards.....	64
4.23.3 Special Conditions .....	65
<b>SECTION 4.24 NONCONFORMING USES AND STRUCTURES.....</b>	<b>65</b>

4.24.1 Nonconforming Use of Land .....	65
4.24.2 Nonconforming Use of a Structure.....	65
4.24.3 Nonconforming Structures .....	66
<b>ARTICLE V: SUBDIVISION AND DEVELOPMENT REGULATIONS .....</b>	<b>67</b>
<b>SECTION 5.1 GENERAL .....</b>	<b>67</b>
5.1.1 Title .....	67
5.1.2 Policies.....	67
5.1.3 Purposes.....	67
5.1.4 Authority.....	68
5.1.5 Application.....	68
5.1.6 Exempted Developments .....	69
5.1.7 Re-subdivision of Land.....	69
5.1.8 Metes and Bounds .....	69
5.1.10 Amendments .....	70
5.1.11 Waiver of Conditions.....	70
5.1.12 Conditions of Waiver.....	71
5.1.13 Procedures for Waivers.....	71
5.1.14 Waivers-Findings .....	71
5.1.15 Appeals.....	71
5.1.16 Enforcement, Violations, and Penalties .....	71
5.1.17 Vacation of Plats .....	71
<b>SECTION 5.2 PRE-APPLICATION CONSIDERATIONS.....</b>	<b>71</b>
5.2.1 Procedures .....	71
5.2.2 Plat Specifications.....	71
<b>SECTION 5.3 PLAT REQUIREMENTS .....</b>	<b>72</b>
<b>SECTION 5.4 PRELIMINARY PLAT REQUIREMENTS .....</b>	<b>75</b>
5.4.1 Application for Preliminary Plat Approval.....	75
5.4.2 Construction Drawings .....	76
5.4.3 Planning Commission Action .....	76
5.4.4 Approval of the Preliminary Plat .....	76
5.4.5 Disapproval of the Preliminary Plat .....	77
5.4.6 Engineering Analysis .....	77
5.4.7 Survey Standards.....	77
5.4.8 Preliminary Plat Certificates .....	78
<b>SECTION 5.5 FINAL PLAT REQUIREMENTS .....</b>	<b>79</b>
5.5.1 Application for Approval of the Final Plat .....	79
5.5.2 Approval of the Final Plat.....	79
5.5.3 Failure to Act .....	79
5.5.4 Notification of Disapproval.....	79
5.5.5 Final Approval.....	79
5.5.6 Certificate of Final Plat Approval .....	79
5.5.7 Acceptance of Dedications .....	80
5.5.8 As-Built Drawings.....	80
5.5.9 Final Plat Application Requirements .....	80
5.5.10 Bill of Assurance .....	82
<b>SECTION 5.6 INCIDENTAL SUBDIVISIONS .....</b>	<b>83</b>
5.6.1 Incidental Subdivisions .....	83
5.6.2 Approvals .....	83
<b>SECTION 5.7 LARGE SCALE DEVELOPMENTS.....</b>	<b>83</b>
5.7.1 Procedure.....	83
5.7.2 Site Plan Requirements .....	84
5.7.3 Planning Commission Procedure.....	84
5.7.4 Expansion of Existing Buildings .....	84
<b>SECTION 5.8 REQUIREMENTS FOR IMPROVEMENTS, RESERVATIONS, AND DESIGN .....</b>	<b>84</b>
5.8.1 General .....	84
5.8.2 Suitability of the Land .....	85
5.8.3 Land Set-Aside .....	85

5.8.4 Adequacy of Public Facilities and Services .....	85
5.8.5 Subdivision and Street Names .....	85
5.8.6 Access.....	85
5.8.7 Conformance to Municipal Plans .....	85
5.8.8 Location of Streets.....	85
5.8.9 Reservations .....	85
5.8.10 Waiver of Reservations .....	85
5.8.11 Failure to Conform to Plans .....	85
5.8.12 Zoning or Other Regulations.....	86
5.8.13 Timing of Zoning .....	86
5.8.14 Large Tracts or Parcels .....	86
<b>SECTION 5.9 DESIGN REQUIREMENTS .....</b>	<b>86</b>
5.9.1 General .....	86
5.9.2 Streets.....	86
5.9.3 Master Street Plan.....	86
5.9.4 Street Layout .....	86
5.9.5 Through Streets .....	86
5.9.6 Dedication of Streets .....	86
5.9.7 Perimeter Half-streets .....	87
5.9.8 Adjacent Streets.....	87
5.9.9 Pavement Widths, Rights-of-way, and Curb Radii.....	87
5.9.10 Cul-de-sac length .....	87
5.9.11 Soil Conditions .....	87
5.9.12 Right of Way.....	88
5.9.13 Frontage Roads.....	88
5.9.14 Sewer Stubs .....	88
5.9.15 Street Grades.....	88
5.9.16 Intersections and Alignments .....	88
5.9.17 Utility and Drainage Easements .....	89
5.9.18 Water Supply Lines .....	90
5.9.19 Water Supply.....	90
5.9.20 Sanitary Sewage Disposal.....	90
5.9.21 Sanitary Sewage Connection.....	90
5.9.22 Blocks.....	90
5.9.23 Block Lengths.....	90
5.9.24 Lots.....	90
<b>SECTION 5.10 REQUIRED IMPROVEMENTS .....</b>	<b>91</b>
5.10.1 Streets – Grading .....	91
5.10.2 Streets – Finished Grades .....	91
5.10.3 Streets – Paving.....	91
5.10.4 Streets – Curbs and Gutters .....	91
5.10.5 Sidewalks – General.....	91
5.10.6 Sidewalks – Widths.....	91
5.10.7 Sidewalks – Accessibility.....	92
5.10.8 Storm Drainage.....	92
5.10.9 Storm Drainage Within Street Right-of-way .....	92
5.10.10 Monuments .....	92
5.10.11 Lot Corners .....	92
5.10.12 Monument Standards .....	92
5.10.13 Fire Hydrants .....	92
5.10.14 Street Name Signs .....	92
5.10.15 Street Lights and Standards .....	92
5.10.16 Water Supply – Public.....	92
5.10.17 Water Supply – Private .....	93
5.10.18 Sanitary Sewage Disposal – Public.....	93
5.10.19 Sanitary Sewage Disposal – Private .....	93
5.10.20 Sanitary Sewage Disposal – Planned.....	93
5.10.21 Interpretation of Subdivider.....	93

<b>SECTION 5.11 BOUNDARY STREET IMPROVEMENTS .....</b>	<b>93</b>
5.11.1 Administration.....	93
5.11.2 Developments included .....	93
5.11.3 Plat Approval.....	94
5.11.4 Improvements Included .....	94
5.11.5 Right-of-way dedication .....	94
5.11.6 Master Street Plan.....	94
5.11.7 In-lieu requirements.....	94
5.11.8 In-lieu contributions.....	94
5.11.9 Appeals.....	95
<b>SECTION 5.12 CONSTRUCTION STANDARDS .....</b>	<b>95</b>
5.12.1 Minimum Thicknesses for Asphalt Paved Streets.....	95
5.12.2 Grading and Subgrade Preparation.....	96
5.12.3 Asphalt Street Standards .....	96
5.12.4 Concrete Street Standards.....	96
<b>SECTION 5.13 ACCEPTANCE OF PUBLIC DEDICATIONS, ASSURANCE FOR COMPLETION OF IMPROVEMENTS, AND WARRANTY.....</b>	<b>96</b>
5.13.1 Acceptance of Public Dedications.....	96
5.13.2 Assurance for Completion of Improvements .....	97
5.13.3 Warranty .....	97
<b>SECTION 5.14 INSPECTION OF IMPROVEMENTS.....</b>	<b>97</b>
5.14.1 Notification of Completion.....	97
<b>SECTION 5.15 ACCEPTANCE, DEDICATIONS, AND RECORDATION.....</b>	<b>98</b>
5.15.1 Acceptance and Dedication.....	98
5.15.2 Recording.....	98
5.15.3 Notification of Recordation.....	98
<b>ARTICLE VI: DEFINITIONS .....</b>	<b>99</b>
<b>SECTION 6.1 DEFINITIONS .....</b>	<b>99</b>
6.1.1 General .....	99
6.1.2 Definitions.....	99

## **SECTION 1.1 TITLE AND PURPOSE**

### **1.1.1 Citation**

This Code shall be known as the Unified Development Code and may be cited as such or, for the sake of brevity, as the “UDC” or “Unified Code.”

### **1.1.2 Purpose**

The regulations of the code are enacted to carry out or protect various elements of the General Plan and all other adopted plans and policies of the City of Lonoke. Further, the code promotes, in accordance with present and future needs: the safety, order, convenience, prosperity, and general welfare of the citizens of Lonoke. The code supports, in addition to other elements, the following:

- a. Efficiency and economy in the process of development
- b. The appropriate and best use of land
- c. Convenience of traffic and circulation of people and goods
- d. Safety from fire and other dangers
- e. Adequate light and air in the use and occupancy of buildings
- f. Healthful and convenient distribution of population
- g. Good civic design and arrangement
- h. Adequate public utilities and facilities
- i. Wise and efficient expenditure of funds

A person who wishes further information on plans and policies should contact the Administrative Official in City Hall.

## **SECTION 1.2 AUTHORITY**

The provisions contained in the UDC are adopted pursuant to the authority conferred on the city by the General Assembly of the State of Arkansas, A.C.A. §14-54-103, General Powers of Cities and Towns; A.C.A. §14-54-104; Additional Powers of Cities of the First Class; and A.C.A. Title 14, Chapter 56, Municipal Building and Zoning Regulations--Planning; as amended.

## **SECTION 1.3 JURISDICTION**

### **1.3.1 Planning Area Boundary**

The city’s planning jurisdiction is described on the official Planning Area Boundary Map of the City of Lonoke, Arkansas. This map is filed with the City Clerk as well as with the Lonoke County Recorder. Persons engaged in activities covered by this code should check one of these



sources before beginning their projects since the Planning Area may change from time to time in accordance with A.C.A. §14-56-413.

### **1.3.2 Applicability**

Those portions of this code dealing with development and subdivision regulations apply to corporate limits of the Lonoke and to any property served by city utilities within the Planning Area. Those portions dealing with zoning apply only within the corporate limits of Lonoke. Specific applicability standards occur in the appropriate sections.

## **SECTION 1.4 VALIDITY AND REPEAL**

### **1.4.1 Validity**

The following statements pertain to the validity of this code:

- a. The UDC and the various parts, sections, subsections, sentences, phrases, and clauses thereof are hereby declared to be severable. If any part, sentence, paragraph, section or subsection, phrase or clause is adjudged unconstitutional or invalid, it is hereby provided that the remainder of the UDC shall not be affected thereby.
- b. The City Council of the City of Lonoke hereby declares that all such remaining parts would have been passed irrespective of the validity or invalidity of any parts found to be invalid.

### **1.4.2 Repeal**

All or parts of ordinances in conflict with the UDC or inconsistent with provisions of this Code are hereby repealed to the extent necessary to give the UDC full force and effect upon its adoption by ordinances of the City Council of the City of Lonoke, Arkansas.

**ARTICLE II: UNIVERSAL APPLICATIONS**

**SECTION 2.1 AMENDMENTS**

The amendment procedure is not universal for all Articles of this code due to differing legal requirements. Refer to each Article for specific amendment procedures.

**SECTION 2.2 APPLICATIONS**

In order for a private party to request a change to the Zoning or Subdivision Code, the party must first submit an application to the Administrative Official. The process for filing specific kinds of applications may be found in the section pertaining to the objective purpose of the application.

Rezoning	Section 4.16.5
Variance	Section 4.17.5
Conditional Use Permit	Section 4.19.2
Sign Permit	Section 4.21.3
Preliminary Plat	Section 5.2, 5.4
Final Plat	Section 5.2, 5.5
Incidental Subdivision	Section 5.2, 5.6
Large Scale Development	Section 5.2, 5.7
Planned Unit Development(PUD)	Section 4.8

Applicants should obtain the forms and directions for all applications at the office of the Administrative Official. The Administrative Official will maintain a calendar showing the required date for all applications.

**SECTION 2.3 PUBLIC HEARINGS**

**2.3.1 Public Hearings**

Public hearings shall be held for all re-zoning requests, planning commission decision appeals conditional use requests, Board of Adjustment meetings and revisions to the Comprehensive Plan and its supporting regulations.

**2.3.2 Amendments**

Amendments to the plan or requests for re-zonings or conditional use permits require an advertised notice of public hearing to be placed in a public newspaper of general circulation at least fifteen (15) days prior to the meeting.

**2.3.3 Board of Adjustment**

Meetings of the Board of Adjustment shall be public hearings and require a notice of public hearing to be advertised seven (7) days prior to the hearing.

**2.3.4 Meetings**

The Planning Commission shall conduct all meetings in accordance with its most recently adopted by-laws. All meetings are open to the public.

## SECTION 2.4 APPEALS

### 2.4.1 Appeals from the decisions of the Planning Commission

Any person aggrieved by a decision of the Planning Commission in interpreting any section of these zoning regulations may make an appeal to City Council.

- a. **Notice of Appeal:** Notice of an appeal to the City Council of a decision of the Planning Commission to approve, conditionally approve, or deny a request shall be filed by the applicant or any other interested party with the Administrative Official within thirty (30) days of the decision together with such appeal fee as may be set by resolution of the City Council.

The Notice of Appeal shall be filed on forms and in a format prescribed by the City. As a minimum, however, the applicant shall provide the following information:

- i. Summary of any reasons provided by the Planning Commission concerning the decision made in the case.
- ii. Reasons why the applicant of the appeal contends that the Planning Commission erred in its decision.
- iii. Reasons why the applicant of the appeal believes that the public health, safety, welfare, and morals would be better served if the Planning Commission's decision were reversed.
- iv. Any new and pertinent information bearing on the case which may have been overlooked by the Planning Commission or which may have come to light following the meeting at which the Planning Commission made its decision.

Upon receipt of the notice of appeal and appeal fee, the Administrative Official shall promptly forward the notice of appeal to the City Clerk together with any appropriate staff reports and the decision of the Planning Commission from which the appeal is made.

- b. **Public Notice:** Following receipt of the notice of appeal, the City Clerk shall set the matter for consideration on the City Council's next available agenda and give due notice to interested parties of the time and place of the public hearing

The Administrative Official shall provide notice of the appeal in a publication of general circulation at least 15 days before the hearing.

Also, the City shall require the petitioner to place a sign in an eye-catching place on the site of the property in question, indicating the date, time, and place of the public hearing on the petition. Said sign should be placed on the site no fewer than 15 days prior to the date of the hearing.

- c. **Appeal Hearing:** At the time set for the appeal consideration, the City Council shall receive a written report from the Administrative Official setting forth the facts and circumstances of the case and the decision of Planning Commission. The applicant and any other interested party shall have an opportunity to present testimony orally and/or in writing.

If new information is presented to the City Council that was not presented at the public hearing held before the Planning Commission or otherwise considered by the Planning Commission or public, the City Council shall remand the case back to the Planning Commission for reconsideration. For re-zoning requests and conditional use requests, such reconsideration shall require a new public hearing under the provisions of Section 2.3.

The City Council may affirm, reverse or modify the decision of the Planning Commission. The

City Council shall approve or conditionally approve the application provided it finds that the proposal complies with the criteria set forth in the City's Unified Code and applicable requirements unless variances are approved. The decision of the City Council shall be final and shall be effective immediately upon pronouncement of the decision.

- d. **Conditions:** The City Council may only impose such conditions to its approval as may be necessary to conform to the City's UDC and building regulations.

#### **2.4.2 Appeals from the decisions of the Board of Adjustment**

Appeals from the decision of the Board of Adjustment shall be made directly to the court of record having jurisdiction as prescribed by A.C.A. §14-56-416.

#### **2.4.3 Appeals from the decisions of the Administrative Official**

Appeals from the decisions of the Administrative Official shall be heard by the Board of Adjustment.

### **SECTION 2.5 EXPIRATIONS, EXTENSIONS, AND REINSTATEMENTS**

Planning Commission and City Council approvals covered by the Unified Code shall be subject to the following expiration requirements.

- a. **Rezoning - Non-PUD:** No expiration.
- b. **Conditional Use:** No expiration unless the property is rezoned, the use changed, or an expiration is required as a condition of approval.
- c. **Planned Unit Development:** Approvals shall expire within one-year if construction has not started and within three years if construction has not been completed.
- d. **Preliminary Plat:** Approvals shall expire within one-year if construction has not started or one month prior to the expiration date of any performance bond or letter of credit issued to guarantee completion of improvements.
- e. **Building Permits:** Building permits shall expire within 6 months if construction has not started and within two years if construction has not been completed.
- f. **Commercial building:** Construction plan approvals shall expire within 6 months if a building permit has not been obtained.
- g. **Variance:** Where no building or construction is involved, approvals shall expire within six (6) months if the activity needing the variance is not begun.

Where buildings or construction is involved, if a building permit for the construction tied to the Variance is not issued within six (6) months or completed within two (2) years, the approvals shall expire.

## **SECTION 2.6 FEES**

The City of Lonoke shall impose fees for items covered by the Unified Development Code according to a schedule adopted by the City Council and maintained in the office of the City Treasurer.

## **SECTION 2.7 SUBMITTAL DEADLINES**

*(Added by 768-2020)*

Any request for Planning Commission Action must be submitted to the office of the Administrative Officer by the end of business on the first business day of the month. This will include material for any proposed project requiring review and approval by the Lonoke Planning Commission. This will also include non-approval presentations to be brought to the planning commission's attention or questions involving routine administration of planning commission business. Requests for amendments to this code, including amendments to the Official Zoning map must be submitted in time to allow publication of a Notice of Public Hearing in a newspaper of general circulation at least 15 days prior to the Planning Commission meeting during which the public hearing on the requested change will be held.

## ARTICLE III: ADMINISTRATION AND ENFORCEMENT

### **SECTION 3.1 ADMINISTRATIVE OFFICIAL**

*(Amended 768-2020)*

The provisions of this Code shall be administered by the Administrative Official appointed by the mayor. The Administrative Official may be provided with the assistance of such other persons as the mayor may direct.

The Administrative Official shall enforce the provisions of this Code, and shall:

- a. Examine and approve any application pertaining to the use of land, buildings, signs, or structures to determine if the application conforms with the provisions of this Code.
- b. Issue all building permits for new construction, additions, or remodels for projects meeting the minimum standards of city, state, and federal codes. Permits for structures meeting the Large-Scale Development designation shall be eligible for building permit review after the Large-Scale Development is approved by the Planning Commission in accordance with Section 5.7.
- c. Keep permanent records of any changes to the Zoning Code or Map.
- d. Conduct inspections of buildings, structures, and use of land as is necessary to determine compliance with the regulations of this Code.
- e. Revoke approvals where provisions of this Code are being violated.
- f. At each regular meeting of the Planning Commission, the Administrative Officer shall make a full report of all building permits approved during the previous month.

### **SECTION 3.2 GENERAL PROVISIONS**

- a. It is illegal to erect, construct, reconstruct, alter, maintain or use any land, building, or structure in violation of any order of the City Council, Board of Adjustment or Planning Commission.
- b. Appropriate actions and proceedings may be taken in law or in equity to prevent any violation of these regulations, to prevent unlawful construction, to recover damages, to restrain, correct, or abate a violation and to prevent illegal occupancy of a building structure or premises.
- c. The Chairman of the Planning Commission, upon notification by the Administrative Official of a violation of these zoning requirements, shall certify the violation to the City Attorney and said City Attorney shall within five days thereafter apply to the appropriate Court for an injunction, mandamus, or other process to prevent, enjoin, abate or remove such unlawful use or construction.

### **SECTION 3.3 VIOLATION AND PENALTIES**

Any person, firm, or corporation that violates any provision of these regulations or amendments shall be guilty of a misdemeanor and on conviction shall be fined not less than one hundred dollars (\$100.00) and not more than five hundred dollars (\$500.00). Each day that violation of these regulations is in effect constitutes a separate offense and is subject to additional fines of not less than one hundred dollars (\$100.00) and not more than five hundred dollars (\$500.00) per day.

Any person who fails to give full and correct information when applying for a permit shall be subject to a fine of not less than \$25.00 and no more than \$100.00, and the Court, in its discretion, may require that the violation be corrected to comply with the UDC. Any building permit issued upon an incomplete application, regardless of the intent of the applicant, shall be wholly void as though said permit had never been issued, and any construction based upon or resulting from such permit shall be deemed to be construction without a permit.

Appropriate actions and proceedings may be taken by law or in equity to prevent any violation of these regulations, to prevent unlawful construction, to recover damages, to restrain, correct, or abate a violation, to prevent illegal occupancy of a building, structure or premises, and these remedies shall be in addition to the penalties described above.

The Court, having jurisdiction, in its discretion, may require that the structure be removed or altered so as to comply with the provisions of the UDC. Any court having jurisdiction of misdemeanor cases shall have jurisdiction to try such offenders and, upon conviction, to fine them for each offense or violation.

### **SECTION 3.4 BUILDING PERMITS**

*(Amended by 709-2016) (Amended by 768-2020)*

- a. Upon adoption of these zoning regulations, no building or structure shall be erected, altered, or moved, without a permit issued by the Administrative Official. No building permit shall be issued for the construction of any building or structure located on a lot or parcel subdivided or sold in violation of the provisions of these regulations or other applicable codes, nor shall the municipality have any obligation to issue certificates of occupancy or to extend utility services to any parcel created in violation of these regulations.
- b. A permit will be issued only when the application has been approved by the Administrative Official and appropriate staff and determined to meet the minimum requirements of these regulations and other applicable codes. During construction, the permit must be posted in a conspicuous place on the front of the premises.
- c. All applications for a building permit shall be accompanied by a survey in duplicate drawn to scale, showing the actual dimensions of the lot to be built upon, the size of the building to be erected, the use to which the building or land is to be put, the location of the building upon the lot, and such other information as may be necessary to provide for the enforcement of these zoning regulations. A record of each application with attached copy approved plan shall be kept by the Administrative Official.
- d. If any construction, alteration or installation is done in or on any building, structure, or premise, or any part thereof without the permits required, the Administrative Official shall issue a stop order, directing such construction to cease immediately.
- e. If, after a stop order has been issued, there is any reason to believe that further work on such construction, alteration or installation is being done, has been done, or that such maintenance or operation is being carried on, said Administrative Official shall notify the City Attorney who shall proceed forthwith to obtain an injunction as provided by law against the continuing of such work or the continuing of maintenance or operation.

## **SECTION 3.5 MISCELLANEOUS**

### **3.5.1 Sale of Lots**

No owner, or agent of the owner, of any parcel of the land located in a proposed subdivision shall transfer or sell any part of the parcel before a final plat of the subdivision has been approved by the Planning Commission in accordance with the provisions of these regulations and filed with the Clerk and Recorder of Lonoke County, Arkansas. In accordance with A.C.A. § 14-56-417, no plat of any tract of land within the planning area boundary of the Planning Commission shall be accepted by the County Recorder for filing of record until the plat has been approved by the Planning Commission.

### **3.5.2 Metes and Bounds Descriptions**

The subdivision of any lot or any parcel of land by the use of metes and bounds description for the purpose of sale, transfer, lease, or development is prohibited.

### **3.5.3 Certificate of Occupancy and Compliance**

No building erected or structurally altered shall be used, occupied, or changed in use until a certificate of occupancy and compliance is issued by the Administrative Official, stating that the building or proposed use of the building or premises complies with the building laws and provisions of this Code. The Administrative Official shall keep a record of all certificates of occupancy and compliance. The Administrative Official may revoke a certificate of occupancy and compliance when it is found that the building or land does not conform to the use or condition, if any, in the certificate. Each day a use continues after revocation of the certificate shall constitute a separate offense and shall be punished as provided therein.



## ARTICLE IV: ZONING REGULATIONS

### SECTION 4.1 GENERAL

*(Amended 792-2022)*

#### 4.1.1 Applicability

- a. **Zoning Districts:** For the purposes previously stated, the City has been divided into zoned districts in which the regulations contained within will govern lot coverage; the height, area, bulk, location, and size of buildings; open space and the uses of land, buildings, and structures. In interpreting and applying the provisions of this Zoning Code, they shall be held to be the minimum requirements for the promotion of public health, safety, comfort, convenience, and general welfare.
- b. **Zoning Districts in the Planning Area:** The City of Lonoke does not have the authority to administer zoning in the portion of the Planning Area Boundary that lies outside the corporate limits. Sub-dividers submitting plats from this area, however, should select one of the zoning districts as the controlling district for lot sizes, setbacks, and other configuration determinants.

#### 4.1.2 Official Zoning Map

The location and boundaries of the land use zoning districts established by this Code are bounded and defined as shown on the map designated as “Official Zoning Map” and maintained in City Hall. The map, together with the legend, words, figures, symbols, dimensions, and explanatory material on it, is declared to be a part of this Zoning Code and may be referred to variously as the Zoning District Map or the Official Zoning Map. The Official Zoning Map shall be available for inspection and examination by the general public at all reasonable times as any other public record. The Official Zoning Map shall be identified by the signature of the Mayor, attested by the City Clerk, and bear the seal of the City.

#### 4.1.3 Establishment of Zoning Districts

For the purpose of this Zoning Code, the City is hereby divided into land use zoning districts, as follows:

R-1	Low Density Residential
R-2	Medium Density Residential
R-3	Medium-High Density Residential
R-MH	Manufactured Housing Residential
A-1	Agricultural
PUD	Planned Unit Development
C-1	Central Business District
C-2	General Commercial
C-3	Low-Impact Commercial
I-1	Industrial

#### 4.1.4 Relationship to Land Use Plan

Zoning designations shall conform to the city’s adopted land use plan. If the proposed zoning district conflicts with the land use plan, the applicant must first request an amendment to the land use plan. The planning commission may allow the submission of a request for plan change simultaneously with a request for the rezoning of a parcel or parcels.

#### **4.1.5 Interpretation of District Boundaries**

When uncertainty exists with respect to the boundaries of the various districts as shown in the Zoning Map, the following rules shall apply:

- a. District boundary lines are intended to follow either the centerline of blocks, highways, streets, alleys, easements, property lines, or the boundary lines of sections, quarter sections, divisions or sections, tracts or lots, or such lines extended unless otherwise indicated.
- b. Where a lot held under one owner on the effective date of this Code is divided by a district boundary line, the entire lot shall be construed to be within the less restricted district. In cases where uncertainty exists, the Board of Adjustment shall interpret the intent of the district boundary line.
- c. In the absence of specific distances, such dimensions shall be determined by the scale of the official map, or by supplemental certified rezoning filings with more precise legal descriptions of specific parcels.
- d. When the street or property layout existing on the ground is at variance with that shown on the Official Zoning Map, the Board of Adjustment shall interpret the district boundaries of these regulations.

#### **4.1.6 Classification of Annexed Lands**

All land annexed to the City of Lonoke after the adoption of this Code, shall be governed by the following procedures:

- a. Territory annexed to the City of Lonoke shall be zoned A-1 Agricultural unless the Planning Commission recommends a zoning plan after holding a public hearing, notice of which shall be published in a newspaper of general circulation in the city of Lonoke at least one time 15 days prior to the hearing, and the City Council adopts the recommended zoning at the time of certification of the annexation.
- b. An accurate plat of any newly annexed area shall be submitted by the owner(s)/developer(s) to the Planning Commission for the purpose of zoning. No building permits shall be issued prior to the completion of annexation.

#### **4.1.7 Scope of Regulations**

- a. Except as may otherwise be provided, all uses of land or buildings established hereafter, all structural alteration or relocation of existing buildings occurring hereafter, and all enlargements of or additions to existing uses occurring hereafter shall be subject to all regulations of this Code which are applicable to the zoning districts in which the buildings, uses, or land shall be located.
- b. No building, structure, or land shall be used or occupied, and no building/structure or part thereof shall be built, moved, reconstructed, extended, enlarged, or altered except to meet the regulations specified for the district in which it is located.
- c. All new buildings and structures shall conform to the building regulations established herein for the district in which each building is located. Excluded are any parapet walls, chimneys, stacks, and cooling towers, elevator bulkheads, fire towers, stocks and necessary mechanical appurtenances. These shall be permitted to exceed the maximum height provisions when erected in accordance with all other ordinances of the City of Lonoke.

- d. The maintenance of yards, courts, and other open space and minimum lot area legally required for a building shall be a continuing obligation of the owner of such building or the property on which it is located, as long as the building is in existence.
- e. No lot shall be divided into two or more lots unless all lots resulting from each such division conform with all the area and bulk regulations of the zoning district in which the property is located.

#### **4.1.8 Determination as to Uses Not Listed**

When a use is not specifically listed as a permitted or conditional use within a particular zoning district, the Planning Commission shall determine if the use shall be allowed as a permitted or conditional use. In making such determination the Planning Commission shall consider the similarity of the use and its impacts to other permitted or conditional uses within the zoning district.

#### **4.1.9 Completion of Existing Buildings**

- a. Nothing within this Code shall require any change in the plans, construction, or designated use of a building actually under construction at the time of the adoption of these regulations.
- b. Nothing within this Code shall require any change in plans, construction or designated use of a building for which a building permit has been issued within thirty (30) days prior to the adoption of these regulations, provided construction is begun within ninety (90) days of the effective date of these regulations and diligently pursued to completion.
- c. For lands annexed into the City of Lonoke after August 1, 2013, nothing in these regulations shall require any change in plans, construction, or designated use of a building under construction. This shall also apply to any building for which a valid building permit exists that was issued by Lonoke County.

#### **4.1.10 Areas not to be Diminished**

- a. No lot or yard area, or other open space, or off-street parking or loading space required in connection with any building or use shall be reduced in dimension or area below the minimum requirements of this Code.
- b. No lot or yard area, or other open space, shall, by virtue of change of ownership, or for any other reason, be used to satisfy yard, court, other open space, or minimum lot area requirements for any other building.

#### **4.1.11 Principal Structure on Lot**

- a. In residential districts only one principal structure and its customary accessory structures may be erected on any lot unless designed as a Multi-Family Development, large-scale development, or otherwise provided in this Code.
- b. The equipment of an accessory structure with sink, cook stove, or other kitchen facilities for the independent occupancy for other than servants or guests shall be considered evidence that the structure is not an accessory structure but a separate dwelling and must meet all minimum lot area and yard requirements of the district in which it is located.

#### **4.1.12 Lots of Record**

- a. Any single lot or parcel of land, which was of record at the time of adoption of this Code, that does not meet the requirements of minimum lot width or area specified for the zoning district in which it is located, or which was built upon such that the building setback, yards, open space, building height, or location of parking or loading spaces, do not now comply with the

requirements for the District in which it is located, may be utilized for a permitted use with the yards, courts, or usable open spaces reduced to not less than seventy-five (75) percent of the dimensions specified for the District in which it is located.

## **SECTION 4.2 AGRICULTURAL DISTRICT REGULATIONS**

### **4.2.1 General Description**

The Agricultural District is created to prevent premature urban development of certain lands that eventually will be appropriate for urban use, until the installation of streets, utilities, and community facilities make orderly development possible. The Agricultural District is intended for agricultural and aqua cultural uses with accompanying single-family residences as well as incidental accessory uses.

### **4.2.2 Permitted Uses and Conditional Uses**

Permitted uses are marked with a “P” in the Table of uses. Conditional uses, subject to conditional use permit approval, are marked with a “C” in the Table of Uses. Expressly prohibited uses are marked with a “NP.”

<b>TABLE OF USES</b>	
<b>Us</b>	<b>A-1</b>
Agriculture	P
Aquaculture	P
Automobile Junk or Salvage Yard	NP
Child Care Facilities	NP
Contractor or Utility Equipment Parking/Storage Yard	NP
Dwellings – Manufactured Home	C
Dwellings - Single Family	P
Home Occupation	P
Junk Yards and/or Hazardous Materials Use or Storage	NP
Place of Worship	P

### **4.2.3 Yard, Size, and Area Requirements**

Every principal permitted use hereafter erected or located in a residential district shall have the lot area and widths identified below. No buildings shall be erected or enlarged unless the following yard setbacks are provided and maintained in connection with such building, structure, or enlargement.

Yard (front, rear, and side) are identified in the definition section of this Code. Front, side, and rear yard setbacks shall be measured from the property line or, when greater, the projected edge of the proposed street right-of-way shown on the Master Street Plan. The projection of open balconies, bay windows, and uncovered porches (patios) into yard space is permissible.

Chimneys, cooling or water towers, elevators, bulkheads, fire towers, monuments, stacks, storage towers, tanks, spires, church steeples, radio towers or necessary mechanical apparatus shall not be subject to the height requirements.

Zoning District	Minimum Lot Area	Minimum Lot Width	Setback Requirements				Maximum Height	
			Front	Side	Side-Street	Rear	Feet	Stories
A-1	43,560 sq ft or 1 acre	N/A	25 ft	25 ft	25ft	25 ft	48 ft	3

#### 4.2.4 Signs

Sign regulations for this district are set forth in Section 4.21

#### 4.2.5 Parking

The parking regulations for this district are set forth in Section 4.22

### SECTION 4.3 RESIDENTIAL DISTRICT REGULATIONS

#### 4.3.1 General Descriptions

- a. **Low Density Residential (R-1):** The R-1 District provides for quiet, low density residential areas characterized by single-family homes.
- b. **Medium Density Residential (R-2):** The R-2 District provides for quiet, medium density residential areas characterized by a co-mingling of single-family homes, duplexes, and certain multi-family dwellings.
- c. **Medium-High Density Residential (R-3):** The R-3 District provides for quiet, medium to high density residential areas characterized by a diversity of housing types. This district includes development ranging in density from single-family homes to large scale apartment complexes. It is intended to allow and encourage affordable housing and housing choice through a diversity of housing options.
- d. **Manufactured Housing Residential (R-MH):** This district encourages affordable housing of varied types in specified locations within the city. The district permits site-built housing, Manufactured Housing, and Modular Housing constructed on individual lots with uniform design guidelines imposed to maintain neighborhood harmony and consistency in appearance. The provisions of this district seek to achieve the following goals.
  - i. To provide a choice of housing types within the city and to expand housing choices for all families.
  - ii. To maintain efficiency and economy in the process of development by encouraging infill development with medium housing densities.
  - iii. To encourage the appropriate and best use of land by placing uniform size and appearance guidelines on new housing placements.
  - iv. To promote healthful and convenient distribution of population by achieving higher densities through the utilization of vacant or underdeveloped properties.
  - v. To encourage good civic design and arrangement by maintaining reasonable and uniformly applied design standards within existing neighborhoods.
  - vi. To maintain the economic stability of existing neighborhoods by maintaining consistent size,

bulk, and appearance standards.

#### 4.3.2 Permitted Uses and Conditional Uses

Permitted uses are marked with a “P” in the Table of uses. Conditional uses, subject to conditional use permit approval, are marked with a “C” in the Table of Uses. Expressly prohibited uses are marked with a “NP.”

*Amended by 2021-781, Amended 2022-792*

<b>TABLE OF USES</b>				
<b>Use</b>	<b>R-1</b>	<b>R-2</b>	<b>R-3</b>	<b>R-MH</b>
Bed and Breakfast	NP	C	C	NP
Child Care Center/Adult Daycare	NP	NP	NP	NP
Day Care Family Home	C	C	C	C
Residential Home Day Care	P	P	P	P
Detached/Ground Mounted Solar Panels	P	P	P	P
Community Gardens	C	C	C	C
Clubs, Lodges	NP	C	C	C
Dwellings – Manufactured Home	NP	NP	NP	P
Dwellings - Multi-Family	NP	C	C	C
Dwellings - Single Family	P	P	P	P
Dwellings - Two-Family	NP	P	P	P
Dwellings - Townhouses	NP	P	P	NP
Home Occupation	P	P	P	P
Manufactured Home Park	NP	NP	NP	P
Mobile Home	NP	NP	NP	NP
Nursing Home	NP	C	C	NP
Parks/Recreational Facilities	P	P	P	P
Place of Worship	P	P	P	P
Public Utilities	P	P	P	P
Schools	C	C	C	C

### 4.3.3 Special Prohibited Uses

- a. Travel trailers or motor homes, buses, trucks two (2) tons and over, and similar vehicles or apparatus shall not be stored or parked in front yards on a permanent basis.
- b. Accessory structures, as defined in this Code, shall not be permitted in the front yards. Any yard adjoining a street may be considered a front yard, as defined by this Code.

### 4.3.4 Yard, Size, and Area Requirements

Every principal permitted use hereafter erected or located in a residential district shall have the lot area and widths identified below. No buildings shall be erected or enlarged unless the following yard setbacks are provided and maintained in connection with such building, structure, or enlargement.

Yard (front, rear, and side) are identified in the definition section of this Code. Front, side, and rear yard setbacks shall be measured from the property line or, when greater, the projected edge of the proposed street right-of-way shown on the Master Street Plan. The projection of open balconies, bay windows, and uncovered porches (patios) into yard space is permissible.

Chimneys, cooling or water towers, elevators, bulkheads, fire towers, monuments, stacks, storage towers, tanks, spires, church steeples, radio towers or necessary mechanical apparatus shall not be subject to the height requirements.

Zoning District	Minimum Lot Area	Minimum Lot Width	Setback Requirements				Maximum Height	
			Front	Side	Side-Street	Rear	Feet	Stories
R-1	Single-Family: 7,200 sq ft	70 ft	25 ft	10 ft	15 ft.	10 ft	48 ft	3
R-2	Single-Family: 5,000 sq ft; Two-Family: 7,500 sq ft; Multi-Family: 9,000 sq ft plus 1,500 for each additional unit over 3	Single-Family: 50 ft; Two-Family: 50 ft; Multi-Family: 75 ft	25 ft	5 ft	15 ft.	10 ft	48 ft	3
R-3	Single-Family: 5,000 sq ft; Two-Family: 7,500 sq ft; Multi-Family: 9,000 sq ft plus 1,500 for each additional unit over 3	Single-Family: 50 ft; Two-Family: 50 ft; Multi-Family: 75 ft	25 ft	5 ft	15 ft.	10 ft	48 ft	3
R-MH	Single-Family: 5,000 sq ft; Two-Family: 7,500 sq ft	Single-Family: 50 ft; Two-Family: 50 ft	25 ft	5 ft	15 ft.	10 ft	48 ft	3
All R Districts	Places of Public Assembly, Places of Worship, Educational Facilities: 15,000 sq ft	100 ft	25 ft	25 ft	25 ft	25 ft	48 ft	n/a

#### **4.3.5 Signs**

Sign regulations for this district are set forth in Section 4.21

#### **4.3.6 Parking**

The parking regulations for this district are set forth in Section 4.22

#### **4.3.7 Special Provisions for the R-MH District**

- a. All dwelling units constructed in or set up in this district, whether by new construction, addition to an existing unit, placement of a multi-section Manufactured or Modular Home, or combination of multiple single-section Manufactured Homes, shall have a minimum width or length on any one side of 20 feet.
- b. All dwelling units constructed or set up in this district constructed with a crawl space shall have continuous underpinning around the perimeter of said crawl space. Underpinning shall be of masonry or a material approved by the Planning Commission.
- c. All dwelling units constructed or set up in this district shall have the front door oriented toward the front yard unless approved as a planned unit development or as otherwise approved by the Board of Adjustment.
- d. All dwelling units constructed or set up in this district shall have shingle roofs unless specifically approved by the Board of Adjustment.
- e. All dwelling units constructed or set up in this district that do not have a built-in front porch as part of the structure shall have a covered front landing, accessible by stairs with handrails, if necessary. The landing shall be at least six feet by six feet and oriented to the front yard.
- f. All dwelling units constructed or set up in this district shall have either:
  - i. A carport capable of housing two vehicles with a driveway capable of stacking two more for a total of four off-street vehicle parking spaces; or
  - ii. A paved or gravel drive and parking area capable of providing four off-street vehicle parking spaces.
- g. All dwelling units constructed in this district shall have foundation systems that meet the city's building code or, in the case of a Manufactured Home, be anchored in accordance with the manufacturer's instructions or the regulations of the Arkansas Manufactured Home Commission.
- h. All dwelling units moved into this district from off-site shall be new and under warranty or inspected by the city's Administrative Official prior to being moved on site to ensure the dwelling unit will be inhabitable in a safe manner.
- i. Whenever a dwelling unit in this district is removed or demolished, from any cause, any remaining building materials must either be re-used within ninety (90) days or completely removed and the lot restored to a natural grade and seeded with grass.
- j. When a dwelling unit arrives on-site in this district with transportation elements attached, including tongues, axles, and wheels used to transport Manufactured Housing, such transportation elements shall be removed as part of the set-up.



## SECTION 4.4 COMMERCIAL DISTRICT REGULATIONS

### 4.4.1 General Descriptions

- a. **Central Business District (C-1):** The C-1 District is the designation for the historic retail center of the community. A variety of retail, wholesale, professional, and governmental functions have developed in the district of the lifetime of the city’s history. The intent of the district is to encourage a diversity of uses that sustain the historic character of downtown Lonoke.
- b. **General Commercial (C-2):** The C-2 District provides for appropriate locations for those commercial establishments, which are cohesive, attractive and convenient for vehicular and pedestrian accessibility. Uses within this district serve the commercial needs of local traffic and highway traffic.
- c. **Low-Impact Commercial (C-3):** The C-3 District provides locations for convenient shopping for residents of the residential areas, while preserving to a maximum the residential character of the adjacent neighborhoods served. It is also intended to serve as an appropriate district to accommodate quiet businesses, professional offices, institutional uses, and medical facilities that create fewer impacts on adjacent residential areas than those within the General Commercial district.

### 4.4.2 Permitted Uses and Conditional Uses

Permitted uses are marked with a “P” in the Table of uses. Conditional uses, subject to conditional use permit approval, are marked with a “C” in the Table of Uses. Expressly prohibited uses are marked with a “NP.”

*Amended: 2017-724, 2020-774, 2021-781*

TABLE OF USES			
Use	C-1	C-2	C-3
Adult Day Care	P	P	P
Automobile Repair or Service Station	P	P	C
Automobile or Boat Sales & Leasing	P	P	C
Banks	P	P	P
Bed and Breakfast Inn	P	P	P
Commercial – Shopping Centers or Big Box Retailers	NP	P	NP
Commercial/Office – Small Scale	P	P	P
Community Gardens	C	C	C
Child Care Centers	NP	P	C
Contractor or Utility Equipment Parking/Storage Yard	NP	NP	NP
Convenience Store	P	P	P
Dwellings – Two Family	NP	P	NP

TABLE OF USES			
Use	C-1	C-2	C-3
Dwellings - Multi-Family	P	P	P
Dwelling, Single Family	C*	C*	P
Hotel/Motel	P	P	P
Half-way House	NP	C	NP
Junk Yards and/or Hazardous Materials Use or Storage	NP	NP	NP
Medical Clinic	P	P	P
Live/Work Dwelling	C	NP	NP
Loft Dwelling	P	NP	NP
Nursing Home/Hospital	NP	P	C
Open Display Commercial	NP	P	NP
Place of Worship, Parks, Schools, Public Utilities	P	P	P
Personal Service Shop	P	P	P
Professional Office	P	P	P
Restaurant, Drive-in/Fast Food	C	P	NP
Restaurant, Sit-down	P	P	P
Retail	P	P	P
Self-Storage Facilities	NP	P	C
Solar Panels – Detached or Ground Mounted	P	P	P
Veterinarian Clinic	P	P	P
Warehousing, Commercial	P	P	NP

\*Dwellings shall be permitted by-right when replacing an existing, destroyed, or demolished dwelling. If the dwelling has been destroyed or demolished for more than two (2) years from the date a permit is sought for a new dwelling, a conditional use permit shall be required. A conditional use permit shall be required for any dwelling that is not replacing an existing, destroyed, or demolished structure.

#### 4.4.3 Special Prohibited Uses

In the C-3 District:

- a. Travel trailers or motor homes, buses, trucks two (2) tons and over and similar vehicles or apparatus shall not be stored or parked in front yards on a permanent basis.
- b. Accessory structures, as defined in this Code, shall not be permitted in the front yards. Any yard adjoining a street may be considered a front yard, as defined by this Code.

#### 4.4.4 Yard and Area Requirements

No building shall be erected or enlarged unless the following yards are provided and maintained in connection with such building, structure, or enlargement:

Yard (front, rear, and side) are identified in the definition section of this Code. Front, side, and rear yard setbacks shall be measured from the property line or, when greater, the projected edge of the proposed street right-of-way shown on the Master Street Plan.

Chimneys, cooling or water towers, elevators, bulkheads, fire towers, monuments, stacks, storage towers, tanks, spires, church steeples, radio towers or necessary mechanical apparatus shall not be subject to the height requirements.

Zoning District	Minimum Lot Area	Minimum Lot Width	Building Site Coverage	Setback Requirements				Maximum Height	
				Front	Side	Side-Street	Rear	Feet	Stories
C-1	N/A	N/A	100%	N/A	N/A	N/A	N/A	48 ft	4
C-2	3,000 sq ft	30 ft	50%	25 ft	10 ft*	25 ft	15 ft*	48 ft	3
C-3	9,000 sq ft	75 ft	30%	25 ft	10 ft*	25 ft	15 ft*	48 ft	3
*C-2 and C-3 Properties Adjacent to R Districts Visual screening of at least 6 ft in height is required for those portions of the commercial property adjacent to the residential district.				25 ft	35 ft	25 ft	35 ft	48 ft	3
Auto Service Station, Car Sales, Heavy Equip. Sales	7,000 sq ft	100 ft at street	50%	25 ft	10 ft*	25 ft	15 ft*	45 ft	3

#### 4.4.5 Signs

Sign regulations for this district are set forth in Section 4.21

#### 4.4.6 Parking

The parking regulations for this district are set forth in Section 4.22. Off-street shall not be required in the C-1 district. Where off-street parking is provided within C-1, the provisions of Section 4.22 shall apply excluding the provisions of 4.22.5.

### SECTION 4.5 INDUSTRIAL DISTRICT REGULATIONS

#### 4.5.1 General Description

**Industrial (I-1):** The I-1 District is intended to provide areas for both light and heavy industrial uses such as manufacturing, assembling, warehousing, etc. that would be considered a

nuisance within all other districts, but which do not constitute a nuisance when separated from other residential and commercial uses.

**4.5.2 Permitted Uses and Conditional Uses**

Permitted uses are marked with a “P” in the Table of uses. Conditional uses, subject to conditional use permit approval, are marked with a “C” in the Table of Uses. Expressly prohibited uses are marked with a “NP.”

<b>TABLE OF USES</b>	
<b>Use</b>	<b>I-1</b>
Manufacturing	P
Processing and Assemblage	P
Wholesaling and Warehousing	P
Printing and Publishing	P
Contractor or Utility Equipment Parking/Storage Yard	P
Automobile Junk Yard	C
Dwellings - Single Family	NP
Public Utilities	P
Junk Yards and/or Hazardous Materials Use or Storage	C
Place of Worship	P

**4.5.3 Yard, Size, and Area Requirements**

No building shall be erected or enlarged unless the following yards are provided and maintained in connection with such building, structure, or enlargement:

Yard (front, rear, and side) are identified in the definition section of this Code. Front, side, and rear yard setbacks shall be measured from the property line or, when greater, the projected edge of the proposed street right-of-way shown on the Master Street Plan.

Chimneys, cooling or water towers, elevators, bulkheads, fire towers, monuments, stacks, storage towers, tanks, spires, church steeples, radio towers or necessary mechanical apparatus shall not be subject to the height requirements.

<b>Zoning District</b>	<b>Minimum Lot Area</b>	<b>Minimum Lot Width</b>	<b>Building Site Coverage</b>	<b>Setback Requirements</b>				<b>Maximum Height</b>	
				<b>Front</b>	<b>Side</b>	<b>Side-Street</b>	<b>Rear</b>	<b>Feet</b>	<b>Stories</b>
I-1	10,000 sq ft	100 ft	50%	50 ft	20ft*	25 ft	15 ft*	48 ft	N/A

*I-1 Properties Adjacent to R Districts  Visual screening of at least 6 ft in height is required for those portions of the industrial property adjacent to the residential district.	25 ft	35 ft	25 ft	35 ft	48 ft	3
--	-------	-------	-------	-------	-------	---

**4.5.4 Signs**

Sign regulations for this district are set forth in Section 4.21

**4.5.5 Parking**

The parking regulations for this district are set forth in Section 4.22

**SECTION 4.6 HOME OCCUPATION**

**4.6.1 General Purpose**

A business, occupation, or profession carried on within a residential dwelling by the resident of the dwelling after approval by the Planning Commission and which shall comply with all of the following;

- a. The business, occupation, or profession shall be conducted by a person, or persons, residing in the structure.
- b. There shall be no external evidence of the occupation with the exception of one unlighted nameplate of not more than two (2) square foot in the area attached flat against the residential dwelling.
- c. Advertising displays and advertising devices displayed through a door, window, or other opening of the residential dwelling shall not be permitted.
- d. The use of commercial vehicles shall not be allowed.
- e. The use of an accessory building or yard space or an activity outside the main residential structure shall not be allowed.
- f. The business, occupation, or profession shall not involve the display of goods or services outside the residential dwelling, nor produces noise or odor, and must be compatible with the neighborhood.
- g. The business, occupation, or profession shall not occupy more than twenty-five (25) percent of the gross floor area of one floor of the residential dwelling.
- h. The use does not create vehicular traffic that would require the provision of off-street parking.

**SECTION 4.7 MANUFACTURED HOME PARK**

**4.7.1 General Purpose**

It is the intent and purpose of this Section to regulate the placement of manufactured homes of all types and varieties in the City of Lonoke with regard to the provision of adequate standards to protect the public health, safety, morals, convenience, and general welfare.

#### **4.7.2 Required Conditions**

- a. A manufactured home park may be permitted by a Conditional Use Permit in the R-MH Manufactured Home Residential District.
- b. A manufactured home park shall contain a minimum of five (5) acres.
- c. There shall be a maximum of six (6) manufactured homes per gross acre.
- d. Only one (1) manufactured home may be located on a manufactured home site as designated by the required lot size and yard areas.
- e. A site development plan shall be submitted to the Planning Commission showing the area and dimensions of the tract of land; the number, locations and size of all manufactured home spaces; the location and width of roadways, walkways, and recreational areas; and the location of service buildings and other proposed structures. If approved, the development shall conform to the site development plan and violation of the plan shall nullify the permit. Existing facilities or rented spaces shall not be expanded without prior consent of the Planning Commission.
- f. Each manufactured home park shall be permitted to display on each street frontage, one identifying sign of a maximum size of 32 square feet.
- g. Any manufactured home located in this district shall be set up and anchored in accordance with the Rules and Regulations of the Arkansas Manufactured Housing Commission.

#### **4.7.3 Design**

- a. Lot Size
  - i. Each manufactured home space shall contain a minimum of 5,000 square feet of site area.
  - ii. Each manufactured home space shall have a minimum width of fifty (50) feet.
- b. Yard Areas
  - i. A manufactured home space shall have yard setbacks of not less than seven and one-half (7 ½) feet on all sides.
  - ii. There shall be a minimum distance of twenty (20) feet between manufactured homes.
- c. Parking and Streets
  - i. A minimum of two (2) improved off-street parking spaces shall be provided per manufactured home space, each nine (9) feet by twenty (20) feet.
  - ii. All manufactured home spaces shall abut a hard-surfaced driveway of not less than twenty (20) feet in width, which shall have unobstructed access to a public street. The driveways will consist of two inches of asphalt over a six-inch gravel base.
- d. Utilities
  - i. Each manufactured home space shall be provided with sanitary sewer and water service as required by the Codes of the City of Lonoke.
  - ii. Utility services to each manufactured home space shall be in conformance with the subdivision regulations of the City of Lonoke.
  - iii. A 200 amp electrical service shall be provided for each manufactured home space.

- e. Screening
  - i. Adequate landscaping shall be provided, including trees and shrubs, around the perimeter of the manufactured home park. Landscaping shall be site obscuring, with a minimum of six (6) foot screening.
  - ii. Additional fencing and landscaping may be required by the Planning Commission as part of a Conditional Use Permit for a manufactured home park.
- f. Accessory Structures
  - i. The only accessory structure permitted shall be a storage building with a maximum size of ten (10) feet by ten (10) feet, and a garage for the storage of motor vehicles, both of which must meet the yard area requirements.

## **SECTION 4.8 PLANNED UNIT DEVELOPMENT (PUD)**

### **4.8.1 General Description**

The purposes of this zone are to promote flexibility and innovation in the design of large-scale developments and to encourage the use of vacant, in-fill parcels in the built-up portion of the city. The zone also promotes open space in the project design. The Planned Unit Development (PUD) allows greater flexibility of design to achieve the goals stated above.

In concept, the PUD is a combination of zoning designation and development plan. A detailed development plan is required for permitting. Development must follow the development plan exactly. Failure in this respect will result in reversion of the property to the original zoning. Although design innovation is encouraged, and flexibility is allowed, the PUD may not be used simply as a method of avoiding zoning regulations. The Planning Commission shall consider a PUD proposal only if it meets one of the following threshold criteria.

- a. The PUD will allow the development of an infill parcel in the developed portion of the city that could not be made productive under normal zoning regulations.
- b. The PUD would further the city's goal of providing housing for all economic segments of the city and its Planning Area Boundary.
- c. The PUD involves a large parcel in which flexibility would allow high quality or innovative urban design.
- d. The PUD would aid in the elimination of slums and blight within the city and its Planning Area Boundary.
- e. The PUD design results in a minimum of 30 percent of the total development reserved as permanent open space.

PUDs may be residential, commercial, industrial or mixed-use in nature. The development plan shall clearly depict the proposed land uses. The minimum size for a PUD shall be three acres.

### **4.8.2 Application Process**

The applicant for a Planned Unit Development permit shall be the owner(s) of the property or the party designated to act as agent for the owners(s). The responsibilities of the applicant are as follows:

- a. Pre-application Conference: Each prospective applicant shall confer with the Planning Commission in connection with the preparation of the application prior to the submission. At this conference, the following information and data shall be considered.
  - i. The boundaries of the property
  - ii. Existing easements and covenants affecting the property
  - iii. Physical characteristics such as drainage, topography, vegetation and existing structures.
  - iv. Development characteristics such as surrounding land uses, existing streets and availability of utilities.
  - v. Elements of the proposed layout such as land uses, open spaces, community facilities, densities, traffic flow and estimated impact on traffic and adjacent land uses.
  
- b. Development plan submittal: No less than 20 days prior to the Planning Commission meeting at which the proposed Planned Unit Development is to be reviewed, the applicant shall submit ten (10) copies of the proposed development plan to the staff. The submittal shall include the following as a minimum.
  - i. A development plan drawn to scale on vellum accompanied by an electronic version of the same in a format compatible with AutoCad® in the version required by the city. Survey information shall be prepared Professional Surveyor (P.S.) Drainage and utility calculations shall be prepared by a Professional Engineer (P.E.) The professional stamps of the individuals responsible for the various elements shall be indicated on the drawing.
    - Name of developer
    - Name and address of owner
    - Type of activity
    - Building footprints for the individual buildings to be included in the PUD except of buildings on lots designated as single-family residential or duplex lots.
    - Topographic contours at two (2) foot intervals
    - All easements existing or proposed.
    - Street rights-of-ways and street names
    - All drives, access-ways, alleys, parking lots and any streets proposed to be dedicated.
    - Proposed landscaping
    - Open space and community facilities, if any, proposed as part of the PUD
    - Location of all existing and proposed private and public utilities.
    - Names of the owners of adjacent properties
    - Zoning classifications of adjoining properties
    - Construction drawings as necessary to support the proposals outlined in the development plan.
    - Exterior lighting and speakers

#### **4.8.3 Uses Permitted**

The PUD submittal will include a listing of the proposed land uses and the amount of land devoted to each.

#### **4.8.4 Regulations**

The regulations for PUD are as follows:

- a. Residential Lot Size: No minimum lot sizes are established, per se, so the housing can be clustered or otherwise concentrated or arranged in planned locations on the site to take advantage of its natural features.



- b. **Open Space Reservation:** In any Planned Unit Development, the amount of land not used by buildings, accessory structures, and yards but required by the zoning of the site, shall be maintained open space for the purpose of providing parks, recreational facilities, ways for pedestrian movement and circulation, and conserving visually pleasing elements of the environment. Prior to the sale of any lot, site, home or other structure a bond of sufficient surety determined by the Administrative Official shall be posted with the City for completion of said open space improvements prior to such sale. The development plan shall clearly depict the amount of land to be maintained as permanent open space.
- c. **Development Density:** The development plan shall clearly depict the proposed density by land use category.
- d. **Property Owners' Association:** As part of the plan proposed for any Planned Unit Development, the developer shall submit a set of covenants running with the land providing for an automatic membership in the Property Owners' Association, to be an incorporated nonprofit organization, operating under recorded land agreements, through which each property owner in the Planned Unit Development is automatically subject to a charge for an appropriate proportionate share of the expenses for maintaining the common property, open space and/or other activities of the Association. Once established, the covenants shall continue and remain in force during the entire existence of the Planned Unit Development.
- e. **Responsibility for Open Space:** Nothing in this Section of the Code shall be construed as a responsibility of the City of Lonoke, either for maintenance or liability of the following, which shall include but not be limited to: any private open areas, parks, recreational facilities. A hold-harmless clause shall be incorporated in the covenants running with the land to this effect. It shall be provided further, however, that when an owner of a Planned Unit Development desires to dedicate certain land areas to the City for public parks and recreational facilities, and the City approves the nature and location of such lands, and accepts the dedicated areas, the City shall be responsible for the operation and maintenance of these lands and properties.
- f. **Common Open Spaces:** The size, shape, dimension and location of the common open spaces shall be determined by the Planning Commission in conjunction with the developer or subdivider with consideration being given to the size and extent of the proposed development and the physical characteristics of the land being developed. Consideration should also be given in providing parks, recreational facilities, both active and passive, and pedestrian walkways.

Common open space shall be guaranteed by a restrictive covenant describing the open space and its maintenance and improvement running with the land for the benefit of the residents of the Planned Unit Development. The developer shall file, at the time the approved final plat is filed, legal documents that will produce the aforesaid guarantees and, in particular, will provide for restricting the use of common open spaces for the designated purpose.

- g. **Landscaping Plan:** In order to minimize the disturbance of the natural environment, a general landscaping plan shall be required at the time of development plan submission showing the spacing, sizes, and specific types of landscaping material. The Planning Commission shall review the landscaping plan in conjunction with the review of the development plan.

The preservation of the natural amenities within the Planned Unit Development shall be given due consideration which shall include topography, trees, and ground cover, natural bodies of water, and other significant natural features. Existing trees shall be preserved wherever possible. The location of trees shall be considered when planning the common open space, location of buildings, underground services, walks, paved areas, playgrounds, parking areas, and finished grade levels. The Planning Commission shall inquire into the means whereby trees and other natural features will be protected during construction. Excessive site clearing of top soil, trees and natural features before the commencement of building operations shall be discouraged by the Planning Commission.

- h. Transportation: The vehicular circulation system shall be designed so as to permit smooth traffic flow with minimum hazards to pedestrian traffic. The design of collector or arterial streets shall conform to the city's Master Street Plan and shall not be interrupted by gates.

The pedestrian circulation system and its related walkways shall be insulated as reasonably as possible from the vehicular movement. This shall include, when deemed to be necessary by the Planning Commission, pedestrian underpass or overpass in the vicinity of schools, playgrounds, local shopping areas, and other neighborhood uses that generate a considerable amount of pedestrian traffic.

- i. Land Subdivision: In the construction and installation of all subdivision improvements in the Planned Unit Development, said improvements shall conform to all requirements and standards as set forth in the City's Subdivision Regulations, unless exceptions to the requirements are specifically approved by the Planning Commission and the by the City Council as part of the PUD design.

In the future, should the owners of a PUD request that the private streets be changed to public streets, the owners do fully agree that, before the acceptance of such streets by the City, the owners will bear full expense of reconstruction or any other action necessary to make the streets fully conform to the requirements applicable to public streets, prior to dedication and acceptance. The owners also shall agree that these streets shall be dedicated to public use without compensation to the owners.

#### **4.8.5 Review Process**

The Planning Commission shall review the proposed PUD after proper submittal of all documents and review by the appropriate city staff. The following criteria will govern the approval or disapproval of the PUD application by the Planning Commission.

- a. The PUD shall provide public benefits that would not be achievable through the normal zoning regulations
- b. The PUD shall maintain the same or higher level of service (LOS) for the surrounding traffic system.
- c. The PUD shall conform in size, shape, and bulk to those in surrounding developments. The Planning Commission may make exceptions when adequate buffering is included with the PUD to shield adjoining uses from the adverse effects of higher land use intensities. The Planning Commission may also make exceptions when the PUD clearly represents a transitional development between developments or neighborhoods of differing densities or intensities of use.

- d. The PUD shall be compatible with the all adopted plans and policies of the city, including the Master Street Plan. If the PUD is not consistent with any of such plans or policies, the application must include with the PUD submittal a request to amend such plans or policies.
- e. The PUD shall be designed is such a manner as to protect the public health, welfare and safety of the residents of the neighborhood in which it is located.
- f. The PUD must be of a character and contain such uses that are needed in the area of the proposed project.
- g. Approval of a PUD cannot result in the violation of regulations in the Arkansas Fire Prevention Code or in regulations issued by the Arkansas Health Department. Approval of the PUD cannot result in the reduction of standard engineering practices or in the drainage or water quality requirements of the city.

#### **4.8.6 City Council Approval**

Planned Unit Developments represent zoning districts and must be approved by the City Council. However, the development shall be in accordance with the approved development plan. The Planning Commission must approve any contemplated deviation from the approved development plan except as specified in Section 4.8.7. Upon approval by the Planning Commission, all recommendations shall be submitted to the Lonoke City Council for approval. The Lonoke City Council has the authority to require reasonable plan changes for the Planned Unit Development as a prerequisite to approval. Any dedications of streets or easements to the city must be included in the ordinance approving the PUD.

#### **4.8.7 Amendments**

Following City Council approval, the Planning Commission may approve minor revisions to the site plan if:

- a. No changes are made to either the access or the egress to the PUD.
- b. Any changes to internal traffic arteries do not alter overall traffic patterns, size of streets, or functional classification of streets.
- c. No new streets are proposed for dedication.
- d. No new private streets are proposed.
- e. Overall residential density is not increased. f. Overall drainage patterns are not altered.
- g. No additional loads are placed on municipal utilities.
- h. Retail and office space is not increased by more than five percent.
- i. No open space is dedicated for public maintenance.

## **SECTION 4.9 CENTER STREET OVERLAY DISTRICT**

Center Street Gateway Overlay District: The following regulations apply within the Gateway Overlay District.

### **4.9.1 Purpose**

The purpose of the Gateway Overlay District shall serve as follows:

- a. To protect and enhance the Center Street Gateway such that the corridor will provide an attractive and pleasing entryway to the City of Lonoke.
- b. To create a distinctive boulevard atmosphere along the Center Street Gateway.
- c. To create development standards and land use regulations in keeping with the intent of overlay district.

### **4.9.2 Boundaries**

The boundaries of the district include all those lands lying within 400 feet of the center line of Center Street from 1000 feet northeast of its intersection with Barnes Rd to Center Street's intersection with 5<sup>th</sup> Street.

### **4.9.3 Application**

These regulations shall apply to all properties falling within the boundaries described in Section 4.9.2. The regulations shall be in addition and shall overlay all other zoning, subdivision, and signage regulations. Therefore, properties falling within the boundaries of the overlay district shall be bound to all zoning, subdivision, and signage regulations in addition to being bound by regulations of the overlay district.

Where the requirements or standards of the overlay district conflict with other regulations, the requirements and standards of the overlay district shall control. Where at least twenty-five (25) percent of a property's area falls within the bounds of the overlay district, the requirements and standards of the overlay district shall apply to the entire property.

### **4.9.4 Site and Development Standards**

The following regulations apply to development or redevelopment in the overlay district.

- a. Sidewalks and Green-space Setback: Sidewalks five (5) feet in width and setback five (5) feet from the back of curb or edge of street are required.
- b. Street Trees: Street trees are required to be planted at an interval of one (1) every fifty (50) linear feet. These trees shall be planted within the green-space setback between the edge of the street and the sidewalk.
- c. Street Lighting: Visually appropriate decorative street lighting shall be required at an interval of one (1) lighting pole every one hundred fifty (150) feet. Street lighting shall be placed within the green-space setback between the edge of the street and the sidewalk. The street lighting shall be selected from an approved standard provided by the Administrative Official.
- d. Landscaping: A minimum of twenty-five (25) feet of landscaped green space exclusive of right-of-way shall be provided along the roadway right-of-way of Center Street and any public street to which the development has frontage.
- e. Building Facades: All buildings shall be required to have a front façade facing Center Street. Front building facades shall be required to be constructed of wood, masonry, rock, exterior

insulations finish systems (EIFS), glass, pre-cast concrete, tile, stucco, vinyl, or similar architectural material. No front façade shall be allowed to be constructed of corrugated metal.

- f. Signage: All freestanding signs shall be ground mounted and shall not exceed eight (8) feet in height. All flashing or intermittent illumination signs are prohibited.
- g. Building and Parking Placement: Within the overlay district building placement at the minimum setback or building line is encouraged. Placement of parking is encouraged within the side or rear yard. Shared parking agreements may be permitted through review and approval by the planning commission.



#### 4.9.5 Review Procedure

*Amended 2019 – 753*

All development within the overlay district, except for the construction of a single-family home in a platted subdivision, shall be reviewed by the Planning Commission prior to the approval and issuance of a building permit according to the normal review process for building permits. During the review, the Planning Commission may reduce the requirements as contained in Section 4.9.4: Site and Development Standards upon written request by the applicant submitted with the request for Planning Commission review and issuance of a building permit.

Reduction of the development standards for properties fronting Center Street shall be considered only in special cases where otherwise functional and marketable structures have lost their nonconforming status and where strict application would result in a violation of the provisions of Arkansas Code Title 18, Chapter 15, Subchapter 17, entitled The Private Property Protection Act.

In considering a request for reduction of development standards, on properties within the district boundaries but not fronting Center Street, the Planning Commission shall use the following as guides for making its decision. Following the review based on these guidelines, it may grant all or a portion of the applicant's request after weighing facts associated with the request. A request must not meet each guideline but their review must determine a reasonable basis for planning commission approval. The guidelines are as follows:

- a. Following a reduction in the development standards, the remaining improvements to be undertaken will maintain the spirit and intent of the Center Street Overlay District.
- b. On properties not fronting Center Street, a reduction of the regulations will prevent the demolition or partial demolition of a viable commercial structure that has lost its nonconforming

status and strict adherence to the Center Street Overlay District development standards would result in a loss of market value that would create a violation of the Private Property Protection Act.

- c. Limited visibility of the subject property from the Center Street corridor supports a reduction in the development standards of the Center Street Overlay District.
- d. A reduction of the development standards will promote the productive development of a property with limited commercial potential.
- e. A strict application of the Center Street Overlay District regulations would result in isolated improvements to a secondary street in an area deemed unlikely for further commercial development, or where there are no plans for improvements to the city.
- f. Strict application of the Center Street Overlay District regulations would likely make the structure functionally obsolete.

## **SECTION 4.10 I-40 INTERCHANGE OVERLAY DISTRICT**

I-40 Interchange Overlay District: The following regulations apply within the I-40 Interchange Overlay District.

### **4.10.1 Purpose**

The purpose of the I-40 Interchange Overlay District shall serve as follows:

- a. To protect and enhance the area surrounding the Arkansas Highway 89 interchange such that it will provide an attractive and pleasing entryway to the City of Lonoke.
- b. To encourage development within the district that will create a distinctive city district and serve as a long-term asset for Lonoke and its residents.
- c. To minimize the number of curb cuts along Highway 89 so that the roadway will function at an efficient level of service.
- d. To promote greater utilization of property within the overlay district for its highest and most appropriate use.
- e. To create development standards and land use regulations in keeping with the intent of overlay district.

### **4.10.2 Boundaries**

The boundaries of the district are indicated on the Official Zoning Map for the City of Lonoke.

### **4.10.3 Application**

These regulations shall apply to all properties falling within the boundaries described in Section 4.10.2. The regulations shall be in addition and shall overlay all other zoning, subdivision, and signage regulations. Therefore, properties falling within the boundaries of the overlay district shall be bound to all zoning, subdivision, and signage regulations in addition to being bound by regulations of the overlay district.

Where the requirements or standards of the overlay district conflict with other regulations, the requirements and standards of the overlay district shall control. Where at least twenty-five (25) percent of a property's area falls within the bounds of the overlay district, the requirements and standards of the overlay district shall apply to the entire property.

#### **4.10.4 Site and Development Standards**

The following regulations apply to development and redevelopment in the overlay district. Conformance to these standards shall be triggered by construction of a new building of more 1,000 square feet in area, or an addition to an existing structure of greater than one-third (1/3) the structure's existing size.

- a. Permitted Uses: For the establishment of a new use or extension/intensification of an existing use, permitted uses shall be determined by the planning commission through the review process. The following items will be considered by the planning commission in determining the appropriate uses:
  1. Proposed future land use on the city's general plan,
  2. Land uses of adjacent properties,
  3. Land uses permitted within the underlying zoning district.
- b. Access: Access along Highway 89 shall be limited to preserve the function of the street according to the following standards:
  1. All access drives on Highway 89 shall be located at least two hundred (200) feet apart, as measured from the nearest curb to the nearest curb.
  2. No access drive on Highway 89 shall be permitted within two hundred (200) feet of a street intersection, as measured from the nearest curb to the nearest curb.
  3. The planning commission shall have the authority to limit egress lanes onto Highway 89 to right-turn only.
  4. Where feasible, shared driveways may be required, and each new access to Highway 89 shall require approval by the Planning Commission.
- c. Sidewalks and Green-space Setback: Sidewalks five (5) feet in width and setback at least five (5) feet from the back of curb or edge of street are required.
- d. Street Lighting: Visually appropriate decorative street lighting shall be required at an interval of one (1) lighting pole every one hundred (100) feet. Street lighting shall be placed within the green-space setback between the edge of the street and the sidewalk. The street lighting shall be selected from an approved standard provided by the Administrative Official.
- e. Building Facades: Buildings shall be designed such the front façade shall face the frontage on which the property has primary access. All building facades shall be required to be constructed of wood, masonry, rock, exterior insulations finish systems (EIFS), glass, pre- cast concrete, tile, stucco, Aluminum Composite Panels (ACP), or similar architectural material. No front façade shall be allowed to be constructed of only corrugated metal. Use of other materials shall require approval of the planning commission.
- f. Screening and Fencing: All mechanical and utility equipment as well as trash enclosures shall be screened by fencing and/or vegetation so that it shall not be visible from a roadway or

adjacent property. Merchandise and goods stored outside shall also be required to be screened by opaque fencing, unless expressly permitted by the planning commission. No fencing shall be permitted on any property within the front yard or side yard facing a street frontage.

- g. Parking: All parking and vehicular use areas shall meet the following standards:
  - 1. Parking islands of at least one hundred (100) square feet shall be required for every fifteen (15) parking spaces. These islands shall be landscaped with trees, shrubs, grass, mulch, or rock.
  - 2. All parking and vehicular use areas along a public or private roadway frontage shall be screened. The required screening shall be between thirty-six (36) inches and forty-two (42) inches above the grade of the parking and vehicular use area. Screening may consist of plants and shrubs, earthen berms, or stone or masonry walls.
- h. Utilities: All above-ground utilities shall be placed along the rear property line or be placed underground.
- i. Lighting: All parking and loading areas shall have lighting. Lighting equipment shall not exceed twenty (20) feet in height.
- j. Signage: Signage shall follow these standards:
  - 1. All flashing or intermittent illumination signs are prohibited.
  - 2. Freestanding signs for single occupancy structures shall be ground mounted and shall not exceed eight (8) feet in height. This requirement shall not apply to signs within fifty (50) feet of Interstate Highway 40 but not along the frontage of Highway 89.
  - 3. Freestanding Signs within fifty (50) feet of Interstate Highway 40 but not along the frontage of Highway 89 shall not exceed seventy-five (75) feet in height. The maximum size shall be two hundred (200) square feet.
- k. Landscaping: A minimum of fifteen (15) feet of landscaped green space exclusive of right-of-way shall be provided along any public or private street on which the development has frontage. All landscaping shall conform to the standards below.
  - 1. No parking areas shall encroach into the required landscaping area.
  - 2. All landscaped areas shall be provided a sprinkler system to maintain installed plants and grasses.
  - 3. Landscaping shall consist of shrubs, trees, grasses, mulch, or rock. No areas of open soil shall be permitted.
  - 4. One (1) tree and ten (10) shrubs shall be required for each fifty (50) linear feet of roadway frontage.
  - 5. Trees planted shall be at least six (6) feet in height with at least a two (2) inch caliper width.
- l. Landscaping Planting List: The following trees, shrubs, grasses, and ground covers are recommended for planting. They are found to be well suited to the area and require little maintenance. This list contains the species which may be planted within a required landscaping area.



Large Trees (60' H x 40' W)

1. Sugar Hackberry – *Celtis laevigata*
2. Green Ash – *Fraxinus pennsylvanica*
3. Tulip Poplar - *Liriodendron tulipifera*
4. Cucumber Magnolia - *Magnolia acuminata*
5. White Oak - *Quercus alba*
6. Southern Red Oak - *Quercus falcata*
7. Swamp Chestnut Oak - *Quercus michauxii*
8. Water Oak - *Quercus nigra*
9. Nuttall Oak - *Quercus texana*
10. Pin Oak - *Quercus palustris*
11. Willow Oak - *Quercus phellos*
12. Shumard Oak - *Quercus shumardii*
13. Southern Magnolia - *Magnolia grandiflora*

Medium Trees (40' H x 30' W)

1. Swamp Red Maple – *Acer rubrum*
2. Red Sunset Maple – *Acer rubrum*
3. River Birch - *Betula nigra*
4. Ginkgo (Male) - *Ginkgo biloba*
5. Pistachio – *Pistachia chinensis*
6. Chinese Elm - *Ulmus parvifolia*
7. American Holly - *Ilex opaca*
8. Eastern Red Cedar - *Juniperus virginiana*
9. Sweet Bay Magnolia – *Magnolia virginiana*

Small Trees (20' H x 15' W) – To be used under power lines.

1. Amur Maple - *Acer ginnala*
2. Trident Maple - *Acer buergerianum*
3. Redbud - *Cercis*
4. Dwarf Southern Catalpa - *Catalpa bignonioides*
5. Eastern Redbud - *Cercis canadensis*
6. Flowering Dogwood - *Cornus florida*
7. Parsley Hawthorn - *Crataegus marshallii*
8. Green Hawthorn - *Crataegus viridis*
9. Deciduous Holly - *Ilex decidua*
10. Crape Myrtle - *Lagerstroemia*
11. Saucer Magnolia - *Magnolia x soulangeana*
12. Camellia – *Camellia japonica*
13. Sasanqua Camellia - *Camellia sasanqua*
14. Foster Holly – *Ilex attenuate 'Fosterii'*
15. Burford Chinese Holly – *Ilex cornuta 'Burfordii'*
16. Canaert Red Cedar – *Juniperus virginiana 'Canaertii'*

17. Silver Red Cedar – *Juniperus virginiana* ‘*Glauca*’

Shrubs

1. Forsythia - *Forsythia*
2. Evergreen Hollies - *Ilex species*
3. Nandina - *Nandian domestica*
4. Yew - *Taxus baccata*
5. Abelia - *Abelia grandiflora*
6. Boxwood - *Buxus sempervirens primary*
7. Dwarf Crape Myrtle - *Lagerstroemia indica nana*
8. Dwarf Purpleleaf Japanese Barberry - *Berberis thunbergii* “*Atropurpurea*”
9. Juniper species - *Juniperus species primary*

Grasses

1. Mayer Z-52 Zoysia
2. Emerald Zoysia
3. Bermuda grass
4. Bermuda grass hybrids
5. Centipede
6. St. Augustine

**4.10.5 Review Procedure**

All development within the overlay district, except for the construction of a single-family home in a platted subdivision, shall be reviewed through the Conditional Use Permit procedure in Section 4.19. If the property proposed for development is part of a larger tract of land under the same ownership or is adjacent to land under the same ownership, the applicant shall submit a conceptual master plan for the entire tract or adjacent properties along with required submittals for the property under consideration.

**4.10.6 Exempt Waiver** (*Added 2023 - 811*)

The planning commission may, after a public hearing, grant a waiver of certain development requirements or standards of this chapter, as described herein. Any approval to permit such a waiver shall be subject to the following criteria:

- a. The development plan shall be in concert with the general purposes, land use and architectural standards provided in this title.
- b. The waiver shall not adversely affect emergency vehicle access.
- c. If it is determined by the Director of Community Development that due to pending or future street or utility construction, or other factors, it would be in the best interest of the City of Lonoke that the construction of certain development requirements be postponed.
  1. The property owner may request this option subject to the approval of the Planning Commission.

In granting a waiver, the planning commission may impose such conditions that will, in its judgment, secure the purposes of this title. This subsection, however, does not affect the right of an applicant under Arkansas law to petition the board of adjustments for a variance from development standards.

## SECTION 4.11 - 4.13 RESERVED FOR ADDITIONAL DISTRICT REGULATIONS

### SECTION 4.14 ACCESSORY BUILDINGS

(Amended: 724-2017)

Accessory buildings are subject to the following setbacks:

Setback Requirements			
Front	Side	Side-Street	Rear
Same as Zoning District  Not Permitted in Front Yard in Residential and Commercial Districts.*	5 ft*	Same as Zoning District*	5 ft

\*Must be placed behind the principal structure.

- b. In all Residential Districts, or in any Zoning District in which the property is used primarily for residential purposes, a detached accessory building shall be located more than ten (10) feet from the principal building on the property, except when the accessory building has a one-hour fire rating wall on the side nearest the residentially used building.
- c. No accessory building or structure shall be constructed on any lot prior to the start of construction of the principal building to which it is accessory.
- d. Accessory buildings shall be clearly incidental to the main building on the lot. Accessory buildings in excess of 800 square feet or forty (40) percent of the size of the main building shall require a Conditional Use Permit in accordance with the provisions of Section 4.19.2.
- e. Storm Cellars shall be considered accessory buildings.

## SECTION 4.15 ADDITIONAL DISTRICT PROVISIONS

### 4.15.1 Address Posting

The owners and/or occupants of each building located within the city limits of Lonoke shall be required to post the address number of the building in a conspicuous place on the building or on a post or sign on the premises facing towards the street the structure is addressed from. Address numbers shall be a minimum of three inches in height.

### 4.15.2 Automobile Wrecking, Junk, and Salvage Yards

Because of the nature of their operations and the noise, dust, traffic, and health hazards they may create, salvage yard shall adhere to the subsequent regulations:

- a. **Location:** May not be located closer than 400 feet to any established residential district.
- b. **Fencing:** All outdoor storage of salvage and wrecking operations shall be conducted entirely within an enclosed opaque fence or wall, except driveway area. The fence shall be installed around each junk yard at the time the use is established or within six (6) months of annexation. The fence shall be a minimum of eight (8) feet high, completely obstruct the view of the yard and its contents, and be properly maintained in good condition.

#### **4.15.3 Child Care Centers**

Requirements applying to Child Care Centers are as follows:

- a. Child Care Centers are required to obtain a permit before beginning operations.
- b. Each permit issued for a Child Care Center shall be accompanied by a scaled site plan and shall include the following:
  - i. Owners Name, address, and telephone number
  - ii. North Arrow
  - iii. Scale
  - iv. Accurate Shape and dimension of the lot or site
  - v. Lengths of all property lines
  - vi. Roads and rights-of-ways-labeled, both public and private
  - vii. Parking areas, driveway location and any intersections with roads
  - viii. Label all existing structures
  - ix. Locations and dimension of all structures and distances of each to property lines
- c. All Child Care Centers shall be located on a lot large enough to meet city codes and state requirements, and all portions of said lot used for outdoor play space shall be fenced with an opaque fence six feet in height.
- d. Child Care Centers shall meet all City, County and State Health Department requirements as to safety, design, facilities, equipment, and other features. The facility shall be operated in a manner that will not adversely affect other properties and uses in the area.
- e. Child Care Centers shall provide one paved parking space for each employee at the center at any one time, plus two additional paved parking spaces.
- f. Child Care Centers shall provide one off-street parking space for the loading and unloading of children.

#### **4.15.4 Day Care Family Homes**

Requirements applying to Day Care Family Homes are as follows:

- a. Day Care Family Homes are required to obtain a permit before beginning operations.
- b. Each permit issued for a Day Care Family Home shall pertain to only one (1) building/structure and each expansion thereof shall require a separated business permit.
- c. The application for a Day Care Family Home business permit shall be accompanied by a scaled site plan and shall include the following:
  - i. Owners Name, address, and telephone number.
  - ii. North Arrow
  - iii. Scale
  - iv. Accurate Shape and dimension of the lot or site
  - v. Lengths of all property lines.
  - vi. Roads and Rights-of-Ways-Labeled, both public and private
  - vii. Parking areas, driveway location and any intersections with roads.
  - viii. Label all existing structures.
  - ix. Locations and dimension of all structures and distances of each to property lines.
- d. All Day Care Family Homes shall be located in a single-family dwelling and shall be operated in a manner that will not change the character of the residence.
- e. All Day Care Family Homes shall be located on a lot large enough to meet city codes and street requirements, and all portions of said lot used for outdoor play space shall be fenced with an opaque fence six (6) feet in height.

- f. All Day Care Family Homes shall meet all City, County and State Health Department requirements as to safety, design, facilities, equipment, and other features. The facility shall be operated in a manner that will not adversely affect other properties and uses in the area.
- g. All Day Care Family Homes shall provide one paved parking space for each employee at the home at any time plus two (2) additional paved parking spaces.
- h. Child Care Centers shall provide one off-street parking space for the loading and unloading of children.

#### **4.15.5 Residential Home Day Cares**

Requirements applying to Residential Home Day Cares are as follows:

- a. Residential Home Day Care operations shall be operated by the resident of the structure.
- b. Residential Home Day Care operations shall be operated on a lot meeting all city codes and State of Arkansas licensing regulations. All portions of the lot used for outdoor play space shall be fenced with an opaque fence six feet in height.
- c. The dwelling shall meet all City, County, and State Health Department requirements as to safety, design, facilities, equipment, and other features and the facility shall be operated in such a manner that it will not adversely affect other properties in the area.

#### **4.15.6 Flammable Liquids and Gases**

The storage of flammable liquids and gases shall comply with the State of Arkansas Fire Prevention Code and be approved in writing by the Lonoke Fire Marshal or Chief. Tanks for the storage of flammable liquids and gases in excess of 100 pounds shall be allowed only for Commercial and Industrial use.

#### **4.15.7 Floodways and Flood Plains**

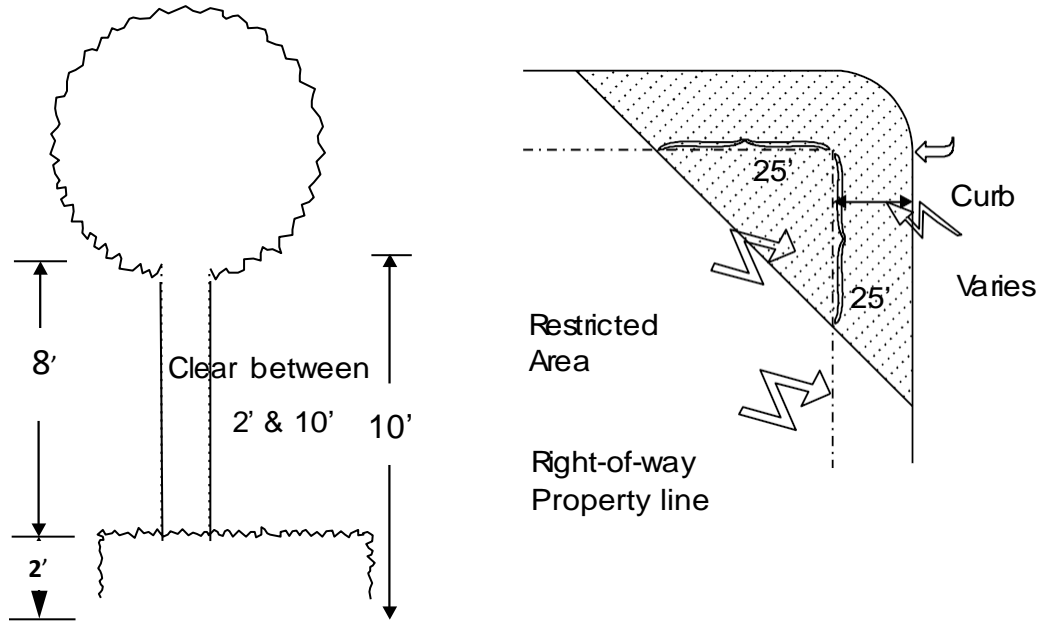
No excavation, filling or construction is allowed in the floodway as designated on the Flood Insurance Rate Map (FIRM).

Construction is allowed in the flood plain as long as construction meets the requirements of the city's Flood Damage Prevention Code.

#### **4.15.8 Visibility at Intersections**

On a corner lot in any district, nothing shall be erected, placed, planted, or allowed to grow in a way that prevents vision of the roadway between a height of 2 feet and 10 feet within 25 feet along the property line from the property corner.

**FIGURE 4.15.8: INTERSECTION VISIBILITY**



**4.15.9 Live/Work Units**

The establishment of Live/Work Units shall be allowed under the conditional use provisions of Section 4.19 in the C-1 Central Business District. Live/Work Units shall also be subject to the following requirements and standards:

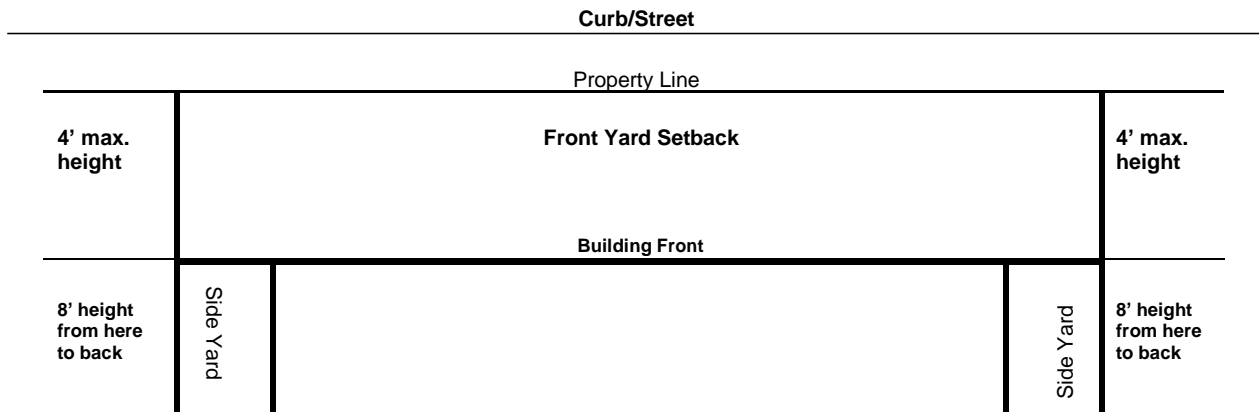
- a. Residential use of the structure and property shall be clearly secondary or accessory to the commercial use of the structure.
- b. The residents of the Live/Work Unit shall be limited to one family unit which must include the owner or an employee of the commercial use within the structure.
- c. The commercial use of the property must be otherwise allowed in the C-1 District, but shall not include sexually oriented businesses or warehousing.
- d. The front façade of the structure must be maintained to appear commercial in nature.
- e. The commercial and residential portions of the building shall be physically separated, with those portions of the structure accessible to the public occupied by commercial space.
- f. The residential portions of the structure must have separate kitchen and sanitary facilities.
- g. All portions of the structure must meet the requirements of the Arkansas State Fire Prevention Code.

**4.15.10 Fences**

*(Amended: 724-2017) (Amended: 787-2021)*

Except where otherwise allowed by this code, fences, walls and hedges shall be permitted in any required yard, or along the fringe or edge of any yard, provided that no fence, wall or hedge along the sides or front edge of any required front yard shall be over four (4) feet in height. Fences, hedges or walls may project into or be located along the side yard from the front building line of the lot to the rear lot line, provided such fences and walls (not hedges or trees) do not exceed a height of eight (8) feet.

Occasionally, unusual circumstances arise in which one person’s front line shares the same area as another person’s back or side line. In these instances, the height of the shorter line shall prevail. A variance may be granted by the commission on a case-by-case basis.



- a. Approved Fence Materials
  - 1. Wrought iron or decorative metals.
  - 2. Masonry, stone, or concrete.
  - 3. Metal tubing
  - 4. Wood planks
  - 5. Vinyl composite manufactured specifically as fencing materials.
  - 6. Chain Link.
  
- b. Prohibited Fence Materials:
  - 1. Corrugated or sheet metal
  - 2. Plywood or fiberglass panels
  - 3. Bamboo
  - 4. Welded wire or woven wire fabric
  - 5. Poultry fence or hog wire
  - 6. Barbed wire or electrically charged fences (unless approved by the planning commission)
  
- c. Other Provisions:
  - 1. Material must be approved for exterior use that are weather and decay resistant.
  - 2. The finished side of the fence shall face the public right-of-way, or away from the installer's property. All posts and structural members shall be on the side facing the installer's property.
  - 3. All entrances or gates shall open into the property/or remain within the property lines.

The provisions of this Section are not intended to prevent the installation of any material or to prohibit any design or method of construction not specifically prescribed by this code. An alternative material, design or method of construction shall be approved where the Planning Commission finds that the proposed design is satisfactory and complies with the intent of the provisions of this code, and that the material, method or work offered is, for the purpose intended, at least the equivalent of that prescribed in this Section in quality, strength, effectiveness, fire resistance, durability and safety.

#### **4.15.11 Community Gardens**

Community gardens involve the use of land by multiple users primarily for the cultivation of fruits, vegetables, plants, flowers and herbs. Community gardens shall be permitted in all Residential and Commercial zones with a conditional use permit provided that the following conditions are met:

- a. All community gardens must be registered with the Community Development Department listing the property owner and the garden coordinator's contact information.
- b. The Community Garden coordinator is responsible for maintaining the garden and the property around the garden area in accordance with Ordinance 581.
- c. At the point in time the gardening function is abandoned for a period of 12 months or more, the property owner shall be responsible for removing all community garden improvements and restoring the property to where it may be maintained and mowed.
- d. There shall be no retail sales allowed at community gardens except plants and whole fresh produce that is produced on the site.



- e. Community gardens may include the following features:
  - i. The cultivation of fruits, vegetables, plants, flowers, and herbs.
  - ii. Water meters.
  - iii. Accessory structures such as tool sheds, hoop houses, greenhouses, gazebos, pavilions, and compost bins. Accessory structures must meet all accessory use requirements as outlined in Section 4.14 of this UDC. The combined area of all accessory structures must not exceed 15 percent of the garden lot. Accessory structures shall not be used as an office or have the appearance of an office.
  - iv. Appurtenance structures such as benches, raised beds, seasonal farm stands, cold frames, row covers, garden art, rain barrels, sinks, irrigation systems, and other agriculture-related items.
  - v. Fencing must meet all fencing requirements as outlined in Section 4.15.10 of this UDC.
  - vi. Open space for active and passive recreation including children's play areas. However, playground equipment is prohibited.
  - vii. No more than 10 percent of the lot may be used for off-street parking.

#### **4.15.12 Solar Panel/Solar Water Heating Systems**

Solar Panel/Solar Water Heating Systems shall also be subject to the following requirements and standards:

##### Detached or Ground Mounted

- a. In Residential and Commercial Zones, detached or ground-mounted solar panels or solar water heating systems shall only be permitted in rear yards.
- b. The maximum height of any ground mounted solar panels or solar water heating systems shall be 8 ft.
- c. Solar Panels or solar water heating systems are not exempt from lot coverage and setback restrictions. The total lot coverage calculation shall include the principal structure and all accessory structures, including the detached solar component.
- d. All ground mounted solar panels or solar water heating systems shall be located at least 5 feet from any property line and 10 feet from the principal structure and/or accessory structures.
- e. Solar panels or solar water heating systems should be placed such that potential glare onto nearby properties or roadways is minimized to the extent possible while still maintaining adequate performance from the solar panels or solar water heating system.
- f. Solar panels may not be installed on empty lots as a form of net-metering. Energy must be used by a primary structure.
- g. A building permit is required for solar panels.
- h. An electrical permit is required for solar panels.

##### Roof Mounted

- a. The following shall apply to all roof mounted panels:
  - i. Solar panels or solar water heating systems arrangement and design shall be considered when locating panels.
  - ii. Panels shall be consolidated to form an array of panels as opposed to individual panels being located on roofs.
  - iii. All roof mounted solar panels or solar water heating systems shall be set back at least 3 feet around the array of solar panels to maintain pathways of accessibility.

- iv. All conduit, wiring and piping shall be fully concealed.
- b. In Residential zones, roof-mounted panels which are installed such that they are visible from the street shall be flush-mounted on the roof. If the residential roof-mounted panels are not visible from the street, they shall either be flush-mounted on the roof or, if not flush-mounted, installed no more than 2 feet from the roof plane surface.
- c. A building permit is required for solar panels.
- d. An electrical permit is required for solar panels.

## **SECTION 4.16 AMENDMENTS TO ZONING REGULATIONS**

### **4.16.1 General**

This code may be amended by changing the text, the Official Zoning Map, or both in accordance with the procedures prescribed herein.

### **4.16.2 Requests for amendments**

The following may initiate a request to amend this Code:

- a. A member or members of the City Council.
- b. A member or members of the Planning Commission.
- c. The owner of a property or his appointed agent.

### **4.16.3 Amendments initiated by the City Council**

Amendments by the City Council may be made in the following manner.

- a. The City Council may refer a request for amendment to the Planning Commission to be considered in accordance with the procedures outlined in Section 4.16.4, below.
- b. The City Council may amend this Code in accordance with the provisions of § 14-56-423 of the Arkansas Code Annotated when an emergency exists which threatens the health, safety, welfare, or morals of the citizens of the City. An amendment may be made by ordinance with approval of two-thirds of the City Council.

### **4.16.4 Amendments initiated by the Planning Commission**

Amendments initiated by the Planning Commission may be made by the following procedures.

- a. The Planning Commission may consider amendments or additions to the Zoning Code.
- b. If the proposed amendments are not consistent with the comprehensive plan, the Planning Commission must first consider and adopt any necessary changes to the plan.
- c. The Planning Commission will hold a public hearing to consider amendments to the Zoning Code and amendments to the comprehensive plan, if required.
- d. Notice of such hearing shall be published at least one time not less than fifteen (15) days prior to the date of the public hearing in a newspaper of general circulation in the City of Lonoke.
- e. Changes in zoning classifications initiated by the Planning Commission shall be considered comprehensive changes affecting the entire city and notice to individual property owners shall

be not be made unless by Planning Commission decision. The Planning Commission shall make a map and/or documents indicating the proposed changes available in City Hall for review by interested citizens and property owners at least 15 days prior to the public hearing at which the changes will be considered.

- f. Following the public hearing, the proposed amendments may be recommended as presented, or in modified form, by a majority of the entire Planning Commission.
- g. Following its adoption of the amendments of the UDC or adopted plans, the commission shall certify adopted plans or recommended ordinances and regulations to the City Council for its adoption.

#### **4.16.5 Amendments Initiated by Property Owners**

Amendments by property owners may be made in the following manner.

- a. An application for amendment shall be filed at the main desk in City Hall.
- b. The application for a Zoning Map Amendment shall contain the following information:
  - i. Name and address of applicant.
  - ii. Statement that the applicant is the owner or the authorized agent of the owner of the property for which the Zoning Map Amendment is proposed.
  - iii. Address and legal description of property.
  - iv. A list of the names and addresses of owners and occupants of properties located within 200 feet of the subject property certified by an abstractor licensed to do business in the State of Arkansas.
  - v. A map of the subject property, delineating:
    - vi. the dimensions of property;
    - vii. approximate location of buildings with appropriate dimensions;
    - viii. land uses of adjacent properties.
  - ix. A vicinity map of sufficient clarity to allow location of the property for which a re-zoning request is located.
  - x. The application shall be accompanied by the prescribed fee.
- c. Hearing on Application

Upon receiving the application, the Administrative Official shall set a date for a public hearing. Notice of such hearing shall be published at least one time at least fifteen (15) days prior to the date of the public hearing in a newspaper of general circulation in the City of Lonoke. The applicant shall bear the cost of such advertising.

Notice of such hearing shall be given by posting a sign on the property involved by the applicant at least fifteen (15) days prior to the hearing. Posting of the sign by the prescribed time shall be the responsibility of the applicant.

At least seven (7) days prior to the public hearing, the applicant must provide proof of publication that the required public notice has appeared in a newspaper of general circulation at least fifteen (15) days prior to the public hearing.

The applicant shall then be placed on the Planning Commission agenda for the meeting on which the public hearing is to be held.

d. Finding of Fact

Within thirty (30) days following the public hearing, the Planning Commission shall make a specific finding as to whether or not the change is consistent with the objectives of the Zoning Code, and the Plans adopted by the Planning Commission. The Planning Commission shall approve or deny the amendment application. If denied by the Planning Commission, the application will not be heard by the City Council unless the decision is appealed by the applicant.

e. Authorization by City Council

Any amendment will require a two-thirds (2/3) vote by the City Council for approval by ordinance.

f. Effect of Denial of Amendment

No application for an amendment which has been denied wholly or partly by the City Council shall be resubmitted for a period of one (1) year from the date of said denial, except upon decision by the Planning Commission if substantial changes in conditions have occurred. A change of ownership of the subject property will not be deemed a substantial change of conditions.

## **SECTION 4.17 BOARD OF ADJUSTMENT**

### **4.17.1 Organization**

- a. A Board of Adjustment is hereby established to consist of the members of the Planning Commission.
- b. All members of the Board shall be residents of the City of Lonoke.
- c. No more than 1/3 of the members of the Board shall hold an elective office in the city government.
- d. The officers of the Planning Commission shall hold the same offices in the Board of Adjustment.

### **4.17.2 Meetings and Hearings**

The Board of Adjustment shall establish regular meeting dates, adopt rules for the conduct of its business, establish a quorum and procedure, and keep a public record of all findings and decisions. Each session of the Board of Adjustment is a public meeting and public notice of the meeting must be published in a newspaper of general circulation in the city, at least one (1) time seven (7) days prior to the meeting.

### **4.17.3 Powers and Duties**

- a. The Board shall hear appeals from the decision of the Administrative Official in respect to the enforcement and application of said Code; and may affirm or reverse, in whole or in part, any decision of the Administrative Official.
- b. The Board shall hear requests for Variances from the literal provisions of the Zoning Code in instances where strict enforcement of the Zoning Code would cause undue hardship due to circumstances unique to the individual property under consideration, and grant such Variances only when it is demonstrated that such action will be in keeping with the spirit and intent of the provisions of the Zoning Code.

- c. The Board of Adjustment shall not permit as a Variance, any use in a zone that is not permitted under the Code.
- d. The Board of Adjustment may impose conditions in granting of a Variance to ensure compliance and to protect adjacent property.

#### **4.17.4 Appeals**

A decision of the Board of Adjustment may be appealed to a court of record having jurisdiction in Lonoke County, Arkansas.

#### **4.17.5 Procedure for Variance Applications**

##### **a. Application for Variance**

An application for a Variance shall be filed with the Administrative Official. At the time of filing, the applicant shall provide the application fee and the anticipated cost of publication and notice. The application shall contain the following information and include the following documents:

- i. Name and address of applicant.
- ii. Statement that the applicant is the owner or the authorized agent of the owner of the property for which the Variance is proposed.
- iii. Address or description of the property.
- iv. A list of the names and addresses of owners of all adjoining properties.
- v. A map of the subject property, delineating:
  - the dimensions of property;
  - approximate location of buildings with appropriate dimensions;
  - land uses of adjacent properties.

##### **b. Hearing on Application**

- i. Upon receiving the application, the Board of Adjustment shall hold a public hearing on the proposed Variance within 30 days.
- ii. Notice of such hearing shall be published by the City at least one time not less than seven (7) days prior to the public hearing.
- iii. The cost of the publication of the notice shall be paid by the applicant.

##### **c. Finding of Fact**

For the Board of Adjustment to approve an application for any proposed Variance, a majority of the entire Board must find that each of the following facts exist with respect to the application:

- i. Because of the particular physical surroundings, shape, or topographical conditions of the specific property involved, the strict letter of this Zoning Code would result in an undue hardship to the owner, as distinguished from a mere inconvenience.
- ii. The conditions causing the need for a Variance are unique to the property and are not applicable, generally, to other property within the same zoning classification.
- iii. The alleged difficulty or hardship is caused by this Code and has not been created by any persons presently having an interest in the property or by any predecessor in title.
- iv. The granting of the Variance will not harm the public welfare, other property, or improvements in the neighborhood in which the property is located.
- v. The proposed Variance will not impair an adequate supply of light and air to adjacent property, or substantially increase the congestion of the public streets, or increase the danger of fire, or endanger the public safety, or substantially diminish or impair the property values within the neighborhood;

vi. The proposed Variance complies with the spirit and intent of restrictions imposed by this Code.

d. Conditions of Variances

The Board of Adjustment may require such conditions or restrictions upon the construction, location, and operation of a Variance, as deemed necessary to secure the general objectives of this Code. Such conditions or restrictions may include, but shall not be limited to, provisions for the protection of adjacent property, the expiration of said Variance after a specified period of time, and off-street parking and loading requirements.

e. Deadline for Board of Adjustment Decision

Within thirty (30) days after the close of the public hearing, the Board of Zoning Adjustment shall make a written finding of fact and submit its decision to the Administrative Official

f. Effect of Denial or a Variance

No application for a Variance that has been wholly or partly denied by the Board of Adjustment shall be resubmitted within a period of one (1) year from date of said denial.

g. Lapse of Variance

A Variance granted hereunder shall lapse and become void:

- i. Where no building or construction is involved, approvals for the use of the property for which the Variance is issued shall expire within six (6) months if not begun.
- ii. Where buildings or construction is involved, if a building permit for the construction tied to the Variance is not issued within six (6) months or completed within two (2) years, the approvals shall expire.

## **SECTION 4.19 CONDITIONAL USES**

### **4.19.1 Purpose**

Certain uses may or may not be appropriately located within various districts throughout the City of Lonoke due to their unusual or unique characteristics of operation and external effects. Given their unusual character, special consideration must be given each application so as to provide for such reasonable conditions and protective restrictions as are deemed necessary to protect the character and integrity of the area in which uses are proposed to be located. The uses listed under the various districts herein as "conditional uses" are so classified because they more intensely dominate the area in which they are located than do other uses permitted in the district; however, the nature of such uses makes it desirable that they be permitted to locate within the district.

### **4.19.2 Application for Conditional Use Permit**

An application for a Conditional Use Permit shall be filed with the Planning Commission. The application shall contain the following information and include the following documents:

- a. Name and address of the applicant
- b. Statement that the applicant is the owner or the authorized agent of the owners of the property for which the Conditional Use is proposed.

- c. Address and legal description of the property.
- d. Maps of the property as follows:
  - i. A vicinity map to scale showing property to be re-zoned clearly outlined in the center of a circle with a radius of one-quarter mile.
  - ii. A paper copy of the plot plan or site layout of the subject property at a scale of one-inch equal 40 feet or less and clearly dimensioned, showing the zoning of adjacent properties and, if applicable, building locations along with provisions for parking, loading and unloading, circulation, access, landscaping and screening.
- e. The application shall be accompanied by the prescribed fee as indicated in Schedule of Fees, and the anticipated cost of publication of notice.

#### **4.19.3 Hearing on Application and Notice Requirements**

- a. Upon receipt in proper form of the application, the Administrative Official shall fix a date for a public hearing on the proposed Conditional Use within thirty (30) days of the filing of the application.
- b. Notice of such hearing shall be published at least one time at least fifteen (15) days prior to the public hearing in a newspaper of general circulation in the City of Lonoke.
- c. The cost of the publication of the notice shall be paid by the Applicant.
- d. The applicant shall post a suitable and pertinent sign on the property involved giving notice of such hearing not less than fifteen (15) days prior to the hearing.

#### **4.19.4 Finding of Fact**

For the Planning Commission to approve an application for a proposed Conditional Use, a majority of the Commission must find that each of the following facts exist with respect to the application.

- a. The establishment, maintenance, or operation of the proposed Conditional Use will not be detrimental to or endanger the public health, safety, comfort or general welfare;
- b. The proposed Conditional Use will not harm other property in the neighborhood;
- c. The establishment of the Conditional Use will not impede the normal or orderly development and improvement of the surrounding properties;
- d. The proposed land use is compatible with other area properties;
- e. The proposed Conditional Use is in conformance with all off-street parking and loading requirements; and ingress and egress, and pedestrian ways are adequate;
- f. Landscaping and screening of the proposed Conditional Use shall be in accordance with this Code;
- g. Proposed Conditional Use signs shall be in accordance with this Code;
- h. Open spaces located on the proposed Conditional Use shall be maintained by the owner/developer;

- i. The size and shape of the site, including size. Shape and arrangement of proposed structures is in accordance with this Code;
- j. Safeguards limiting noxious or offensive emissions, including lighting, noise, glare, dust, and odor have been addressed in the proposed application.

#### **4.19.5 Conditions of Conditional Use**

The Planning Commission may include such conditions or restrictions upon the construction, location, and operation of a Conditional Use, as deemed necessary to secure the general objectives of this Code.

- a. Violation of any condition imposed hereunder shall constitute grounds for revocation by the Planning Commission of the Conditional Use Permit.
- b. Changes to the use of property not covered by the original Conditional Use Permit shall require approval of a new Conditional Use Permit.

#### **4.19.6 Deadline for Planning Commission Decision**

Within thirty (30) days after the close of a public hearing on a proposed conditional Use, the Planning Commission shall approve or deny the application.

#### **4.19.7 Effect of Denial of a Conditional Use**

No application for a Conditional Use Permit which has been denied wholly or partly by the Planning Commission shall be resubmitted for a period of one (1) year from date of said denial, unless the Planning Commission finds that a substantial change in conditions has occurred.

#### **4.19.8 Lapse of a Conditional Use Permit**

A Conditional Use Permit granted hereunder shall lapse and become void:

- a. The permit for any use that has been discontinued for a period of greater than 120 days shall be considered invalid and revoked. Future use of the property must comply with the provisions of the underlying zoning district until a new Conditional Use Permit is obtained.
- b. In the case where any of the specific terms and conditions of a conditional use permits are violated, ignored, or otherwise not observed the Administrative Official may revoke such permit. A 30-day written notice using certified mail shall be addressed to the applicant indicating the nature of the non-compliance and the applicant's right to file an appeal to the Board of Adjustment. If no appeal is filed within the 30-day period, and the non-compliance has not been corrected within 45 days of receipt of the written notice, the permit shall be revoked. Revocation shall be immediate and shall prevent use of the property in a general manner as specified within the original permit. The property shall revert to its use status prior to issuance of the conditional use permit.

#### **4.19.9 Appeals from Decision of Planning Commission**

Appeals from the decision of the Planning Commission with respect to a Conditional Use Permit application shall be to the City Council of the City of Lonoke within thirty (30) days from the decision of the commission. Such appeal shall be perfected by written notice delivered to the Mayor.

## **SECTION 4.20 RESERVED**



## **SECTION 4.21 SIGNS**

The purpose of this title is to provide minimum standards to safeguard life health, property, public welfare and community aesthetics, by regulating and controlling the location, design, and quality of maintenance of signs visible to the public.

### **4.21.1 Administration**

The requirements of this title shall be administered by the Administrative Official

### **4.21.2 Rules of Construction**

When determining setback, the leading edge of the sign nearest the curb or edge of street shall be the point from which the setback is determined. When determining maximum signage area of a sign, the total area of one face of the sign shall be used, except for signs having more than one face. The total area of all sign faces shall be used for such signs.

### **4.21.3 Permit Requirement**

No sign shall be erected, transferred, or structurally altered within the city unless a permit has been issued by the Administrative Official. A separate permit shall be required for each sign.

- a. Applications: Application for a sign permit shall be made on forms provided by City Hall. Requirements shall include but are not limited to location by street address, names and addresses of owner(s) and sign contractors (s), scale drawing of the sign, exact location on lot, and lighting and construction design.
- b. Application Approvals and Permit Issuance: The Administrative Official or assigned designee will be charged with review of all sign permit applications based upon the provisions of this code and other applicable regulations. The Administrative Official shall have 10 business days from receipt of the application to approve or deny the sign permit application. If the Administrative Official fails to render a decision on a sign permit application that appears to meet the provisions of this code and other applicable regulations within 10 business days, the applicant shall be issued a permit for the sign immediately. A written explanation of denial shall be provided for denied permit applications upon request of the applicant. All decisions rendered by the Administrative Official concerning sign permit applications can be appealed to the Board of Adjustment by the applicant.
- c. Sign erection deadline: Permit for any sign not erected within six (6) months of date of issuance shall be void.
- d. Fees: Fees shall be submitted to the City Clerk, upon approval of the application, in the amount set by the schedule of fees set by the City Council. If a penalty has been assessed for non-compliance, both the penalty and the normal permit fee must be paid before a permit shall be issued.

### **4.21.4 Penalty**

Any person, firm or corporation who fails to obtain a sign permit shall, upon conviction, be fined not more than one hundred dollars (\$100.00) for each offense. Each day that such violation continues shall constitute a separate offense.

### **4.21.5 Permit Exemptions**

The following signs are exempted from the sign permit requirements but must comply with all other requirements of this title:

- a. Memorial signs and building markers.

- b. Election campaign signs.
- c. Signs that are painted on or affixed to glass surfaces of windows or doors and that pertain to the lawful business of the persons located within the building.
- d. Signs advertising the sale of real property.
- e. Banners shall be exempt when used to announce a specific event, provided that they are not placed more than 30 days prior to the event and that they are removed within 72 hours following the event.

#### **4.21.6 Prohibited Signs**

The following signs are prohibited within the city limits:

- a. Unsafe signs.
- b. Traffic hazard signs.
- c. Abandoned signs.
- d. Signs within the public right-of-way.
- e. Roof signs.
- f. No signs may be painted on or attached to trees, rocks, or other natural formations, fence posts, utility poles, or building roofs.
- g. Billboards.
- h. Signs on public property, except as authorized by the City of Lonoke or other governmental institution.
- i. Off-premise signs.

#### **4.21.7 Exemptions**

The following are exempted from these sign regulations.

- a. The message and content of signs.
- b. Product dispensers
- c. Scoreboards and other signs acknowledging sponsors on athletic fields
- d. Flags of any nations, government, or non-commercial organization
- e. Gravestones
- f. Barber Poles
- g. Religious symbols
- h. Display of street address numbers

- i. Any display or construction not defined as a sign
- j. Decorations which are seasonal, clearly incidental and customarily associated with any national, local, or religious observance
- k. Utility Location/Identification Signs

**4.21.8 Placement and Construction Standards**

Unless otherwise provided in this code, the following regulations shall apply to all signs, billboards, and off premise signs in the city.

- a. **Prevention of Access:** No sign shall be erected which prevents free ingress and egress from any driveway, parking lot, or structure door, window, or fire escape. No sign of any kind will be attached to any part of a fire escape or building standpipe.
- b. **Obstructions of Vision:** On any corner lot no sign shall be erected in a way that prevents vision of the roadway between a height of 2 feet and 10 feet within 25 feet along the property line from the property corner.

Notwithstanding any regulation of this ordinance, no sign shall be placed in any position or in such a manner as to obstruct the vision of the motoring or pedestrian public, in the judgment of the Administrative Official. This requirement supersedes all other setback and coverage regulations.

- c. **Interference with Utilities:** No sign shall interfere with the safe operation of all utilities by being placed within five (5) feet of a utility easement or designated utility safety zone.
- d. **Construction Standards:** All signs and sign structures shall conform to the applicable building standards adopted by the City of Lonoke. All electrified sign installers and maintenance operators shall be required to submit proof of licensure pursuant to Arkansas State Law.

**4.21.9 Sign Allowed by Zoning District**

- a. All Zoning Districts
  - i. **Construction Signs:** One sign per construction site denoting a new construction or development and featuring the name of the development or construction company shall be allowed. Such signs shall not exceed 40 square feet in size and 16 feet in height and must be placed outside of all public rights-of-way. Such signs shall be removed once construction of the site is complete.
- b. Central Business District (C-1)
  - i. **Wall Signs.**
    - **Area:** A wall sign shall not exceed 20% of the total square footage of the wall on which the sign is placed. The maximum size for a wall sign on a single occupancy structure shall be 75 square feet. The maximum total square footage for all signs on a single occupancy structure shall be 75 square feet per wall. The maximum size for a wall sign on a multiple occupancy structure shall be 75 square feet. The maximum total square feet for all wall signs on a multiple occupancy structure shall be 75 square feet for each occupant or 20% of the total square footage of the exterior wall of the occupant's space, whichever is less.

- Height: The maximum height for wall signs shall be 36 feet.
- ii. Projecting Signs.
- Number: One projecting sign is allowed per business.
  - Area: The maximum size for a projecting sign is 10 square feet. The sign shall not project more than 6 feet from the building façade.
  - Height: The projecting sign must have clearance from the ground of at least 8 feet.
- iii. Sandwich Board/"A" Frame Signs.
- Number: One sandwich board sign is allowed per business.
  - Area: The maximum size for a sandwich board sign is 8 square feet, with a maximum width of 2 feet.
  - Placement: The sign shall be located on the sidewalk in front of the business and shall not be allowed to impede the safe and convenient flow of pedestrian traffic.
- iv. Temporary Signs.
- Number: One temporary sign is allowed per business with a 30 day permit renewable for a total of 60 days per year.
  - Area: Maximum area is 55 square feet.
  - Height: The maximum height for temporary signs is 35 feet.
- v. Prohibited Signs.
- Free-standing signs are prohibited in the C-1 Central Business District. This requirement excludes "A" frame sandwich board signs which shall be allowed.
- c. General Commercial (C-2) and Industrial (I-1)
- i. Wall Signs.
- Area: A wall sign shall not exceed 10% of the total square footage of the wall on which the sign is placed. The maximum square footage for all wall signs shall not exceed 10% of the wall face on which the sign is placed. For multiple occupancy structures the allowable area shall be calculated based upon the front facade wall area of each tenant area. Wall signs shall be allowed on each wall face of a structure for single occupancy structures. Wall signs shall be allowed on the wall face of the front façade for multiple occupancy structures.
  - Height: The maximum height for wall signs shall be 36 feet.
- ii. Projecting Signs.
- Number: One projecting sign is allowed per business.
  - Area: The maximum size for a projecting sign is 10 square feet. The sign shall not project more than 6 feet from the building façade.
  - Height: The projecting sign must have clearance from the ground of at least 8 feet.
- iii. Free-Standing Signs.
- Number: A maximum of one free-standing sign shall be allowed for each property, excluding directional signs of less than four (4) square feet in size and less than four (4) in height. For properties with direct frontage on Interstate Highway 40, an additional free-standing sign along the property's Interstate Highway 40 frontage may be allowed.

- Area: The maximum size for a free-standing sign for a single occupancy structure shall be 100 sq. ft. in C-2 and 200 sq. ft. in I-1. The maximum size for a multiple occupancy structure shall be 200 square feet. For signs permitted to be taller than 36 feet, the maximum size for a sign for a single occupancy structure shall be 200 sq. ft., and the maximum size for a sign for a multiple occupancy structure shall be 250 sq. ft.  
Height: The maximum height for all free-standing signs shall be 36 feet. For signs placed along the direct frontage of Interstate Highway 40 the maximum height shall be 75 feet.
- Setback: All free-standing sign shall be setback at least 15 feet from the curb/edge of street or the projected edge of the public right-of-way on the Master Street Plan, whichever is greater.

iv. Temporary Signs.

- Number: One temporary sign is allowed per business with a 30 day permit renewable for a total of 60 days per year.
- Area: Maximum area is 55 square feet.
- Height: The maximum height for temporary signs is 36 feet.

d. Low-Impact Commercial (C-3)

i. Wall Signs.

- Area: A wall sign shall not exceed 10% of the total square footage of the wall on which the sign is placed. The maximum square footage for all wall signs shall not exceed 10% of the wall on which the sign is placed. For multiple occupancy structures the allowable area shall be calculated based upon the front façade wall area of each tenant area. Wall signs shall be allowed on each wall face of a structure for single occupancy structures. Wall signs shall be allowed on the wall face of the front façade for multiple occupancy structures.
- Height: The maximum height for wall signs shall be 24 feet.

ii. Projecting Signs.

- Number: One projecting sign is allowed per business.
- Area: The maximum size for a projecting sign is 10 square feet. The sign shall not project more than 6 feet from the building façade.
- Height: The projecting sign must have clearance from the ground of at least 8 feet.

iii. Free-Standing Signs.

- Number: A maximum of one free-standing sign is permitted at any principal structure in an C-3 zone.
- Area: The maximum size for a free-standing sign in an C-3 zone shall be 40 square feet.
- Height: The maximum height for all free-standing signs shall be 24 feet.
- Setback: All free-standing sign shall be setback at least 15 feet from the curb/edge of street or the edge of the projected public right-of-way on the Master Street Plan, whichever is greater.

iv. Temporary Signs.

- Number: One temporary sign is allowed per business with a 30 day permit renewable for a total of 60 days per year.
- Area: Maximum area is 55 square feet.
- Height: The maximum height for temporary signs is 20 feet.

- v. Prohibited Signs.
  - Portable signs are prohibited in C-3 zones.
- e. All Residential and Agricultural Zones (R-1, R-2, R-3, R-MH, A-1)
  - i. Wall Signs.
    - Number: One wall sign is allowed per single-family dwelling.
    - Area: The maximum size for a wall sign shall not exceed 4 square feet.
    - Height: The maximum height for wall signs shall be 12 feet.
  - ii. Area Identification Signs.
    - Number: A maximum of two area identification signs are allowed per multi-family housing development or residential subdivision.
    - Area: The maximum size for an area identification sign shall be 40 square feet.
    - Height: The maximum height for an area identification sign shall be 12 feet.
    - Setback: All area identification signs shall be setback at least 15 feet from the curb/edge of street or the projected edge of the public right-of-way of the Master Street Plan, whichever is greater.
  - iii. Prohibited Signs.
    - No free-standing signs, except area identification signs
    - Illuminated signs
    - Portable signs, except real estate signs
    - Temporary signs, except real estate signs
  - iv. Public Places of Assembly, Educational Facilities, Places of Worship, and Governmental Facilities.
    - All signs permitted in C-2 Commercial Zones with a 50% reduction on maximum allowed heights and sign area.
- f. Planned Unit Development (PUD)
 

Signs in the PUD District are approved through the Development Plan process.

#### **4.21.10 Content of Signs**

These regulations are not intended to regulate the message or content of non-commercial speech. A sign with a non-commercial message may substitute a sign with a commercial message wherever a sign with a commercial message is permitted.

#### **4.21.11 Non-Conforming Signs**

All non-conforming signs in existence at the date of this ordinance shall be considered valid, except, any sign which is determined to be a safety hazard. No non-conforming signs now in existence may be replaced with a non-conforming sign.

### **SECTION 4.22 OFF-STREET PARKING, AND LOADING**

#### **4.22.1 General Purpose**

It is the intent of this Code to provide for adequate off-street parking, loading, and landscaping in all zoning districts to alleviate or prevent congestion of the public streets.

#### **4.22.2 General Provisions**

- a. For all buildings and structures erected and all uses of land established after the effective date of this Code, off-street parking and loading facilities shall be provided as required by this

Section.

- b. Where a building permit has been issued prior to the effective date of this Code, and provided that construction is begun within ninety days of such effective date and diligently pursued to completion, parking and loading facilities as required need not be provided.
- c. There shall be provided permanent, dust-free, off-street parking space:
  - i. At the time of construction of any building or structure.
  - ii. At the time of any principal building or structure is enlarged or increased in capacity by adding dwelling units, guest rooms, seats or floor area.
  - iii. Before conversion from one zoning use or occupancy to another.
- d. Parking spaces may not be substituted for a required loading space or a loading space substituted for a required parking space.
- e. Adequate parking spaces shall be provided to meet ADA Accessibility requirements.
- f. Vehicular access shall be provided to a public street.
- g. Any off-street parking already in use or established hereafter shall not be reduced below the limits required by this Section by the construction of any addition to a building or structure, or by the construction of any additional building or structure on the property.
- h. Joint Parking Facilities: Off-street parking facilities for different buildings, structures, or uses, or for mixed uses may be provided collectively in any nonresidential zoning district, provided that the total number of spaces so located together shall not be less than 66% of the sum of the separate requirements for each use.

#### **4.22.3 Parking Space and Driveway Design**

- a. A required off-street parking space shall be at least nine (9) feet in width and at least twenty (20) feet in length.
- b. All parking spaces provided under the provisions of this code shall have a six-inch gravel base and be paved with concrete or a minimum of two (2) inches of hot mix asphalt. Gravel alone may be used for manufactured homes, single-family residences, and two-family residences.
- c. Driveways used ingress and egress shall not exceed 25 feet in width, exclusive of curb and returns.

#### **4.22.4 Loading Space Design**

- a. A required loading space shall be in addition to required off-street parking.
- b. A loading space shall not be designed to project into a public street or alley.
- c. A loading space shall be at least twelve (12) feet in width and at least twenty-five (25) feet in length, with at least fourteen (14) foot height clearance; and have adequate maneuvering area so as not to require maneuvering on a public street.
- d. All loading spaces shall have permanent dust-free, hard surfaces, similar to a single seal-coat surface, or better.

#### **4.22.5 Schedule of Parking Requirements**

- a. **Residential Use**
  - i. All Residence Types: Two (2) parking spaces per dwelling unit.
  - ii. Hotel/Motel: One (1) parking space per unit.
- b. **Retail and Service Uses and Integrated Shopping Centers:** One (1) parking space per 250 square feet of gross floor area open to the public.
- c. **Wholesale establishments:** One (1) parking space per 600 square feet of gross floor area open to the public.
- d. **Industrial establishments**
  - i. Warehouse or storage: One (1) parking space per 2,000 square feet of gross floor area.
  - ii. General industrial establishments: One parking space per 500 square feet of gross floor area.
- e. **Offices:** One (1) parking space per 200 square feet of gross floor area, exclusive of the area used for storage, utilities, and building service area.
- f. **Places of Assembly**
  - i. Theater, auditorium: One (1) parking space per four (4) seats based on maximum seating.
  - ii. Places of Worship: One (1) parking space per each 250 square feet of gross floor area.
- g. **Public Facilities and Recreation Services:** One (1) parking space per fifty (50) square feet of floor area used for assembly or recreation in the building.
- h. **Restaurants**
  - i. Sit-down Restaurants: One (1) space per 100 square feet of gross floor area open to the public.
  - ii. Drive-in Restaurants, "Fast food, Carry-out:" One (1) parking space per 100 square feet of gross floor area open to the public. Three (3) off-street stacking spaces per drive-in customer service window.
- i. **Banks:** One (1) parking space per 300 square feet of gross floor area open to the public. Three (3) off-street stacking spaces per drive-in customer service window.
- j. **Schools**
  - i. Nursery, elementary, junior high school: One (1) parking space per twenty (20) pupils.
  - ii. High Schools: One (1) parking space per twenty (20) pupils.

#### **4.22.6 Schedule of Loading and Unloading Requirements**

- a. **Residential:** See requirement for Child Care Centers, Day Care Family Homes, Residential Home Day Cares
- b. **Commercial:** One (1) off-street loading space for each establishment, except office buildings, with an additional space for each ten thousand (10,000) square feet of building space.
- c. **Industrial and Warehousing:** One (1) off-street loading space for each establishment with one additional space for each 40,000 square feet of floor area.

## **SECTION 4.23 WIRELESS COMMUNICATION TOWERS**



#### **4.23.1 Application and Zoning Requirements**

- a. Permit Required: A Tower Use Permit (TUP) shall be required for the approval and construction of any wireless communication facility (WCF) within the city limits of Lonoke. It shall be the responsibility of the owner to comply with all federal and state regulations pertaining to the WCF, including but not limited to FAA height and lighting requirements and provisions of the National Environmental Protection Act (NEPA).
- b. Application: All applications for a (TUP) shall include the following:
  - i. Scaled site plan, elevation view, and other supporting drawings showing all improvements to the site, adjacent uses, and zoning
  - ii. Documentation of the location and dimensions of the proposed WCF
  - iii. Name of applicant
  - iv. Name of landowner and signed approval of the landowner
  - v. Permit fee, according to the fee schedule set by the city council. No permit can be issued without submittal of this fee.
- c. Review Process: Two tracks exist for review of TUP applications.
  - i. Track One: Proposed (TUP) applications within the A-1, C-2, I-1 zones may be processed and approved through administrative review by the Administrative Official.
  - ii. Track Two: Proposed (TUP) applications within the R-1, R-2, R-3, R-MH, C-1, C-3 zones shall require approval by the Planning Commission and be subject to a public hearing. These applications will be subject to the same review process as rezoning and /zoning amendments.
  - iii. Appeal and Review: The City of Lonoke shall complete final action upon any TUP application within 90 days of the filing of the completed application, unless an extension is requested by the applicant. Any decision to deny a request will be made in writing and will be supported by substantial evidence. Any decision concerning the approval or denial of an application made the Administrative Official may be appealed to the Board of Adjustment in writing within 30 days of the decision.

#### **4.23.2 Development Standards**

- a. Height
  - i. An attached Wireless Communications Facility shall not add more than 20 feet to the existing building or structure to which it is attached.
  - ii. WCF with support structures shall a maximum height of 200 feet in the I-1 and A-1 zones; 150 feet in the C-2 and C-3 zones; and 100 feet in the R-1, R-2, R-3, R-MH, C-1 zones. Where collocation can be accommodated, towers may be increased by 10 feet in height for each additional provider to a maximum of 50 additional feet.
- b. Setbacks
  - i. A WCF with support structures shall meet the setback requirements of principal structures of the zone in which it is located, except within residential zones.
  - ii. A WCF with support structures located in a residential district or abutting a residential district on any side shall be setback from any adjoining residential property line a distance of at least equal to the height of the tower as measured from the base of the tower to the property line of a residential lot. Guy-wired anchors shall meet the setback requirements specific to the zoning district in which it is located.
- c. Lighting
  - i. WCF shall not be artificially illuminated, directly or indirectly, except as may be required by federal law.
- d. Signage

- i. WCF shall display any signage or message of a commercial nature except as is necessary for safety and security purposes.
- e. Fencing
  - i. WCF with support structures shall be enclosed by a security fence not less than six (6) feet in height.
- f. Collocation
  - i. All WCF with support structures shall be designed to accommodate additional providers where technically feasible.

#### **4.23.3 Special Conditions**

- a. Support Structures for wireless communication facilities shall be of the monopole type construction in all zones except I-1 and C-1.
- b. Structures in the I-1 zones may be of derrick tower or guy-wired supported tower construction.
- c. Only Attached WCF or monopole type facilities using Stealth Technology may be permitted in the C-1 zone.

### **SECTION 4.24 NONCONFORMING USES AND STRUCTURES**

#### **4.24.1 Nonconforming Use of Land**

- a. A Nonconforming use of land shall not be changed unless to a conforming use.
- b. Nonconforming uses of land are not allowed to increase in intensity, become larger, or occupy a greater area of land than was occupied when it became a nonconforming use.
- c. Nonconforming uses shall be allowed to continue until deemed permanently abandoned.
- d. A Nonconforming use of land which stops for a continuous period of more than six (6) months will be deemed permanently abandoned. Any land use thereafter must conform to the requirements and regulation of this Unified Development Code.

#### **4.24.2 Nonconforming Use of a Structure**

- a. A Nonconforming use of a structure commenced prior to the adoption of these regulations may be continued, subject to conditions of operation as may be required by the Board of Adjustment to protect the health, safety, and welfare of the community and adjacent properties.
- b. A Nonconforming use of a structure which stops for a continuous period of more than six (6) months will be deemed permanently abandoned. Any land use thereafter must conform to the requirements and regulations of this Unified Development Code.
- c. A Nonconforming use of a structure may be extended to any portion of a structure arranged or designed for such nonconforming use at the time of passage of these regulations.
- d. A Nonconforming use of a structure may be changed to a similar use, the similarity of said use shall be determined by the Board of Adjustment, if no structural changes as necessary.
- e. Once changed to a conforming use cannot be changed to a nonconforming use.

#### **4.24.3 Nonconforming Structures**

- a. A Nonconforming structure built prior to the adoption of this Code that does not conform to these regulations by reasons of restrictions on area, lot coverage, height, yards, or other characteristics of the structure or its location on the lot, may be continued so long as it remains otherwise lawful.
- b. Such structure, upon approval of the Board of Adjustment, may be remodeled to maintain the premises in a safe and usable condition.
- c. Should a structure be destroyed by any means to an extent of more than 60 percent of its replacement cost at time of destruction, it shall not be reconstructed except in conformity with the provisions of this code.
- d. Such structure may be added to if the addition meets the area requirements of the zoning district in which the structure is located, provided the use of structure is in conformance with this code. Under this condition, no approval from the Board of Adjustment is needed.
- e. The structure may also be added to provided that the use of the structure is conforming, and the addition does not increase the structure's existing degree of nonconformity. Under such conditions, no approval from the Board of Adjustment shall be required.

## ARTICLE V: SUBDIVISION AND DEVELOPMENT REGULATIONS

### SECTION 5.1 GENERAL

*(Amended by 792 – 2020)*

#### 5.1.1 Title

These regulations shall officially be known, cited, and referred to as the Land Development and Subdivision Code of the City of Lonoke, Arkansas.

#### 5.1.2 Policies

The policies underlying the provisions of this article are set forth in the following sections.

- a. It is declared to be the policy of the City of Lonoke hereinafter referred to as “the city” to consider the subdivision of land and the subsequent development of the subdivided plat as subject to the control of the municipality pursuant to the General Plan of the city for the orderly, planned, efficient, and economical development of the community. The term “adopted plans” shall specifically include the General Plan consisting of a Land Use Plan and the Master Street Plan.
- b. Land to be subdivided shall be of such character that it can be used safely for building purposes without danger to health or peril from fire, flood, or other menace, and land shall not be subdivided until adequate public facilities and improvements exist and proper provision has been made for drainage, water, sewerage, and capital improvements such as schools, parks, recreational facilities, transportation facilities, and improvements.
- c. The existing and proposed public improvements shall conform to and be properly related to the provisions and standards contained in the building code, zoning code, General Plan, Official Zoning Map, and other capital budgets and programs of the city.
- d. Except in cases where the Fire Chief has discretionary authority or the City has adopted more stringent regulations. The Arkansas Fire Prevention Code shall supersede any regulations contained herein.
- e. Land that has been subdivided prior to the effective date of these regulations should, whenever possible, be brought within the scope of these regulations.

#### 5.1.3 Purposes

These regulations are adopted for the following purposes.

- a. To protect and provide for the public health, safety, and general welfare of the city;
- b. To guide the future growth and development of the Planning Area in accordance with the General Plan, including the Master Street Plan;
- c. To provide for adequate light, air, and privacy, to secure safety from fire, flood, and other danger, and to prevent overcrowding of the land and undue congestion of population;
- d. To protect the character and the social and economic stability of all parts of the city and to encourage the orderly and beneficial development of the city through appropriate growth management techniques assuring the timing and sequencing of development, promotion of infill development in existing neighborhoods and non-residential areas with adequate public facilities, to assure proper urban form and open space separation of urban areas, to protect environmentally critical areas and areas premature for urban development;

- e. To protect and conserve the value of land throughout the city and the value of buildings and improvements upon the land, and to minimize the conflicts among the uses of land and buildings;
- f. To provide the most beneficial relationship between the uses of land and buildings and the connectivity and circulation of traffic throughout the city, having particular regard for the avoidance of congestion in the streets and highways and the pedestrian traffic movements appropriate to the various uses of land and buildings, and to provide for the proper location and width of streets and building lines;
- g. To establish reasonable standards of design and procedures for subdivisions and re-subdivisions in order to further the orderly layout and use of land, and to ensure proper legal descriptions and monumenting of subdivided land;
- h. To ensure that public facilities and services are available concurrent with development and will have a sufficient capacity to serve the proposed subdivision and that the community will be required to bear no more than its fair share of the cost of providing the facilities and services through requiring the developer to pay fees, furnish land, or establish the mitigation measures to ensure that the development provides its fair share of capital facilities needs generated by the development;
- i. To prevent the pollution of air, streams, and ponds; to assure the adequacy of drainage facilities; to safeguard the water table, and to encourage the wise use and management of natural resources throughout the municipality in order to preserve the integrity, stability, and beauty of the community and the value of the land;
- j. To ensure that land is subdivided only when subdivision is necessary to provide for uses of land for which market demand exists and which are in the public interest; and
- k. To remedy the problems associated with inappropriately subdivided lands, including premature subdivision, excess subdivision, partial or incomplete subdivision, scattered and low-grade subdivision.

#### **5.1.4 Authority**

This Land Subdivision and Development Code is promulgated in accordance with the authority cited in Arkansas Code Annotated § 14-56-401 through § 14-56-426.

#### **5.1.5 Application**

These regulations and development standards shall apply to the following forms of land subdivision.

- a. All subdivisions or platting of a tract lot parcel of land into two or more tracts, lots, sites, or parcels, any of which, when subdivided, shall contain less than five acres in area.
- b. The dedication or vacation of any street or alley through any tract of land regardless of the areas involved as may be desired by the owner or, if necessary, to achieve conformance with the Comprehensive Plan; or
- c. The construction of any street or public utility through any tract of land within the Corporate Limits of the city as stated herein.
- d. A development on one lot containing a building or buildings with a combined square footage of 10,000 square feet or larger.

- e. All large-scale development.
- f. Any commercial building or establishment designed or intended for the sale of petroleum or other flammable products or any commercial or industrial use with accompanying hazards.
- g. Routine commercial developments not meeting any of the criteria listed above shall not require planning commission approval. However, in unique cases, the building inspector may require planning commission approval prior to the issuance of a building permit.

#### **5.1.6 Exempted Developments**

Certain properties remain exempted from the requirements of this Article of the Unified Code. These include the following.

- a. The division of land into tracts of five acres or greater which does not involve the dedication, vacation, or reservation of any public or private easement, including those of public or private utilities, through any of the tracts involved shall not constitute a subdivision.
- a. The Administrative Official may exempt a minor purchase of a portion of an adjoining parcel where the size of the land being acquired is smaller in area than the minimum lot for the appropriate zoning and where it can be determined that the purposes of the Land Development and Subdivision Code are not being subverted.

#### **5.1.7 Re-subdivision of Land**

Re-subdivision of land may be accomplished as follows.

- a. Any change in an approved or recorded plat other than lot splits or re-combinations shall be considered a re-subdivision and subject to approval by the city. For re-subdivision, the same rules, regulations, and procedures applicable to subdivision shall apply.
- b. Whenever a parcel of land is subdivided and the subdivision plat shows one or more lots containing more than one acre of land and there are indications that such lots may eventually be subdivided into smaller building sites, the city may require that such parcel of land allow for the future opening of streets and the extension of adjacent streets. Easements providing for the future opening and extension of such streets may be made a requirement before plat approval is given.

#### **5.1.8 Metes and Bounds**

The conveyance of property by metes and bounds shall be restricted by the following.

- a. No conveyance by metes and bounds of tracts of lots coming under the definition of subdivision without compliance with the applicable provisions of these amendments shall be permitted. This provision is aimed at preventing an attempt to circumvent these regulations by conveying by metes and bounds without taking the necessary steps for filing an approved plat.
- b. No building permit shall be granted nor public utilities provided to a parcel of land described by metes and bounds description unless the following are met:
  - i. The applicant furnishes a legal deed for the property in question, and said deed being dated prior to the date on which this code was adopted.
  - ii. Written authorization is obtained from either the Administrative Official or the City Attorney. If none of these staff persons grant such authorization, the request shall automatically be

forwarded to the Planning Commission for consideration.

#### **5.1.10 Amendments**

The following is the procedure for amending the text of Article V of this Code.

- a. The City Council may suggest that the Planning Commission amend the text of this Code or the Planning Commission itself may desire to initiate an amendment.
- b. Should the Planning Commission, after study, request a change in the text, it shall conduct a public hearing on the proposed amendment. Notice of consideration of proposed amendments to the text shall be advertised in a paper of general circulation at least 15 days in advance of a Public Hearing.
- c. Following the public hearing, the Planning Commission shall forward the proposed amendment to the City Council for adoption in the form of an ordinance amending this Code.
- d. In order for the City Council or Planning Commission to amend the text of this code, they must have a majority vote as explained below.

The City Council, under the authority of Arkansas Code Annotate 14-56-423 may amend the zoning plans, ordinance, code, and regulations by majority vote of the entire Council. In order to initiate a change in a zoning district boundary, the City Council must, by majority vote, direct that the City Attorney file a petition with the Planning Commission. After a public hearing is held and the Planning Commission reviews the petition, the Council may amend the code by majority vote. Also, the City Planning Commission, by majority vote of the entire Commission, may initiate a change by preparing a petition signed by the Commission Chairman and then following the public notice/hearing procedure.

#### **5.1.11 Waiver of Conditions**

Where the Planning Commission finds the extraordinary hardships or practical difficulties may result from strict compliance with these regulations and/or the purposes of these regulations may be served to a greater extent by an alternative proposal, it may approve variances, exceptions and waiver of conditions to these regulations so that substantial justice may be done and the public interest secured, provided that the variance, exception, or waiver conditions shall not have the effect of nullifying the intent and purpose of these regulations; and further provided the Planning Commission shall not approve variances, exceptions, and waiver of conditions unless it shall make findings based upon the evidence presented to it in each specific case that:

- a. The granting of the variance, exception, or waiver of conditions will not be detrimental to the public safety, health, or welfare or injurious to other property;
- b. The conditions upon which the requests are based are unique to the property for which the relief is sought and are not applicable generally to other property;
- c. Because of the particular physical surroundings, shape, or topographical conditions of the specific property involved, a particular hardship to the owner would result, as distinguished from a mere inconvenience, if the strict letter of these regulations is carried out;
- d. The relief sought will not in any manner vary the provisions of the Zoning Code, or General Plan, except that those documents may be amended in the manner prescribed by law.
- e. That in addition to the conditions listed above, there would be no public benefit served by a

strict application of the pertinent regulations.

#### **5.1.12 Conditions of Waiver**

In approving variances, exceptions, or waivers of conditions, the Planning Commission may require such conditions as will, in its judgment, secure substantially the purposes described in Section 5.1.3.

#### **5.1.13 Procedures for Waivers**

A petition for a variance, exception, or waiver of conditions shall be submitted in writing by the subdivider at the time when the preliminary plat or large-scale development is filed for the consideration of the Planning Commission. The petition shall state fully the grounds for the application and all of the facts relied upon by the petitioner.

#### **5.1.14 Waivers-Findings**

Such findings of the planning commission, together with the specific facts upon which such findings are based, shall be incorporated into the official minutes of the planning commission meeting at which such variance is granted. Variances may be granted only when in harmony with the general purpose and intent of this Section so that the public health, safety or welfare may be secured and substantial justice done. Pecuniary hardship to the developer, standing alone, shall not be deemed to constitute undue hardship.

#### **5.1.15 Appeals**

See Section 2.4

#### **5.1.16 Enforcement, Violations, and Penalties**

See Section 3.3

#### **5.1.17 Vacation of Plats**

Vacation of existing plats may be carried out according to the following regulations.

- a. Any plats or any part of any plat may be vacated by the owner of the premises, at any time before the sale of any lot therein, by a written instrument, to which a copy of such plat shall be attached, declaring the same to be vacated.
- b. Such an instrument shall be approved by the Planning Commission in like manner as plats of subdivisions. The City Council may reject any such instrument, which abridges or destroys any public rights in any of its public uses, improvements, streets or alleys.
- c. Such an instrument shall be executed acknowledged, or approved, and recorded or filed, in like manner as plats of subdivisions; and being duly recorded or filed shall operate to destroy the force and effect of the recording of the plat so vacated, and to divest all public rights in the streets, alleys, and public grounds, and all dedications laid out or described in such plat.
- d. When lots have been sold, the plat may be vacated in the manner herein provided by all the owners of lots in such plat joining in the execution of such writing.

## **SECTION 5.2 PRE-APPLICATION CONSIDERATIONS**

### **5.2.1 Procedures**

The following considerations shall govern the pre-application phase of submittals covered by this Article.



- a. Whenever any subdivision of a tract of land is proposed to be made, the subdivider or his agent may submit to the Planning Commission sketch plats and data concerning existing conditions within the site and in its vicinity, and which shall convey the intentions of the subdivider as to the proposed layout and type of development.
- b. No fees shall be collected for Pre-Application Consideration, the purpose being to acquaint the subdivider with city plans and policies in effect that would be important to the proposed subdivision.

### **5.2.2 Plat Specifications**

In conjunction with a pre-application conference with the Planning Commission, the subdivider shall provide the following information:

- a. Vicinity Map - The vicinity map, covering a radius of one-half (1/2) mile of the proposed plat at a scale of 1" = 2000' shall generally locate arterial streets and highways, section lines, railroads, schools, parks, and other significant community facilities. Where possible, the north direction of the vicinity map shall correspond to the north direction of the plat.
- b. Sketch Plat - The sketch plat, on a current topographic survey, (geodetic) shall show in simple sketch form the proposed layout of streets, lots, and other features and their relationship to the surrounding development patterns.
- c. Written Information - Written information, informally submitted, shall generally include the following: The applicant's name and address, the agent, acreage in the tract, area allocated to each land use, proposed bills of assurance, cultural and natural features of the site, and anticipated subdivision characteristics including the approximate number of lots, average lot size, location of street rights-of-way and easements and proposed infrastructure improvements.
- d. Notification from city water and sewer services that water and sewer capacity is sufficient to serve the proposed development, or documentation supporting alternative sources of water and wastewater treatment.
- e. Fees and Forms - No application fees or special forms are required.

## SECTION 5.3 PLAT REQUIREMENTS

The following pages outline specific requirements for all plat submittals.

Plat Requirements: City of Lonoke, Arkansas							
Type of submission	Sketch Plat	Preliminary Plat	Final Plat Minor Subdivision	Large Scale Development	Lot Line Adjustment	Replat	
<b>REQUIREMENTS</b>							
A phasing plan outlining the boundaries for each phase and the location of all monuments for the subdivision		√	√				
Accurate locations and adequate physical descriptions of all monuments shall be shown indicating size, type of material and construction thereof.			√	√			
Adjoining property by activity and business name, if applicable;					√		
As-built drawings			√		√		
Bearings and distances, adjusted, shown on all boundary lines and ties to all corners of record utilized. Where boundary lines are curves, sufficient curve data shall be provided to adequately describe and field locate the curve. As a minimum, curve data for each curve shall consist of radius, arc distance, delta angle and chord bearing and distance. Where boundary lines are common with previously platted properties, record bearings and distances shall also be shown.		√	√	√	√	√	√
Bill of assurance proposed for the subdivision generally describing proposed covenants, restrictions and conditions applicable to a property shall be submitted for review at the time of preliminary plat review.		√	√				
Building outline, sidewalks, curbs, drives, parking, and striping.					√		
Certificate of engineering accuracy			√		√		
Certificate of owner		√	√	√	√	√	√
Certificate of surveying accuracy		√	√	√	√	√	√
Certifications that the plat of the subdivision boundary has been surveyed and duly filed for record in the offices of the state surveyor			√		√		

## Plat Requirements: City of Lonoke, Arkansas

Type of submission	Sketch Plat	Preliminary Plat	Final Plat	Minor Subdivision	Large-Scale Development	Lot Line Adjustment	Replat
<b>REQUIREMENTS</b>							
Cultural and natural features and flood plain	√	√	√	√	√		
Curb cuts for development and curb cuts of adjacent properties; including those across the street, street intersections; these items shall be dimensioned relative to each other, proposed.					√		
Development Type					√		
Drainage improvements and drainage runoff quantities (cubic feet per second), prepared by a Professional Engineer, with points of entry and exit for the development, show flood hazard area.		√	√		√		
Exterior lighting quantity, direction, and pattern					√		
Exterior speaker location (s) and direction (s)					√		
Fees		√	√	√	√	√	√
License number and registration for all professionals		√	√	√	√	√	√
Location of tract by legal description giving acreage to the nearest one-tenth of an acre		√	√	√	√	√	√
Municipal and or county boundaries that pass through or abut the subdivision.		√	√	√	√	√	√
Name and address of developer.	√	√	√	√	√		
Name and address of owner of record	√	√	√	√	√	√	√
Name of Development					√		
Name of Subdivision		√	√	√		√	√
Static pressure and flow of the nearest hydrant		√			√		
Open space/green space/landscaping, proposed		√	√		√		
Proof property taxes are current		√			√		
Soil tests where indicated		√			√		
Source of title to property giving deed record book page number or instrument #			√	√	√	√	√
Street names, class per Master Street Plan, rights-of-way,		√	√	√	√	√	√

## Plat Requirements: City of Lonoke, Arkansas

Type of submission	Sketch Plat	Preliminary Plat	Final Plat	Minor Subdivision	Large-Scale Development	Lot Line Adjustment	Replat
<b>REQUIREMENTS</b>							
centerlines, and easements bordering or traversing the property.							
Subdivision Type	√	√	√	√			
Tabulation by lot and /or tract showing area and width at front setback line		√	√	√		√	√
Vicinity Map covering a minimum area within a radius of one-half mile of the proposed subdivision at a scale of at least (1) inch to two thousand feet. The vicinity map shall generally locate arterial streets, highways, section lines, railroads, schools, parks and other significant community facilities.	√	√	√		√		
Written approval of any wastewater treatment facilities by the AEDQ, Arkansas Dept. of Environmental Quality		√	√	√	√		
Written approval of water and wastewater facilities from the Arkansas State Dept. of Health		√	√	√	√		
Zoning classifications within the plat and abutting areas		√	√	√	√	√	√

### SECTION 5.4 PRELIMINARY PLAT REQUIREMENTS

#### 5.4.1 Application for Preliminary Plat Approval

Whenever a subdivision or large-scale development is proposed to be made and before any sale of lots located in said subdivision as a whole or any part thereof is made, or before building permits are approved, the subdivider shall first submit to the Planning Commission at least 20 days prior to the next scheduled planning commission meeting an application for a Certificate of Preliminary Plat Approval which shall consist of:

- a. A letter of request, including requests for any waiver(s) of conditions from the regulations contained herein. Such request (s) for waivers must comply with the provisions of Section 5.1.11
- b. Plats, plans and data as specified in Section 5.3, concerning existing conditions within the site and its vicinity and which shall convey the intentions of the subdivider as to the proposed layout and type of development
- c. A check in the amount of the prescribed fee as set by the City Council.
- d. Source of title to the property

#### **5.4.2 Construction Drawings**

The subdivider or designated representative must submit complete construction drawings for the proposed subdivision in the following manner.

- a. With approval of the Administrative Official, the subdivider may postpone submittal of construction drawings until after the preliminary plat is approved. The city shall not issue a Notice to Proceed, however, until the City's engineer has received and approved construction drawings.
- b. Construction drawings shall include the plans and profiles for all streets, drainage, water, sewer and all utility easements, typical cross sections, detail drawings and specifications. The City's engineer or his designee shall review and approve the drawings and notify the Developer, Planning Commission, and other city staff of the result of this review.

#### **5.4.3 Planning Commission Action**

The Planning Commission shall review preliminary plats at its regularly scheduled monthly meeting at which time interested persons may appear and offer evidence in support of or against such preliminary plat. The Planning Commission shall then approve, conditionally approve, deny or defer the plat. No construction may commence on any portion of the development until a Notice to Proceed has been issued by the Planning Commission Chairman.

#### **5.4.4 Approval of the Preliminary Plat**

The following describes the process by which the preliminary plat is approved.

- a. The preliminary plat will be approved by the Planning Commission when the applicant has provided clear and convincing evidence that:
  - i. Definite provision has been made for a water supply system that is sufficient in terms of quantity, dependability, and quality to provide an appropriate supply of water for the type of subdivision proposed;
  - ii. If a public sewage system is proposed, adequate provision has been made for such a system and, if other methods of sewage disposal are proposed, that such systems will comply with federal, state, and local laws and regulations.
  - iii. All areas of the proposed subdivision which may involve soil or topographical conditions presenting hazards or requiring special precautions have been identified by the subdivider and that the proposed uses of these areas are compatible with such conditions.
  - iv. The existing municipal transportation is adequate to accommodate the traffic to be generated by the subdivision. The Planning Commission may require, as part of plat approval, a traffic study, prepared by a professional traffic engineer and paid for by the developer, demonstrating that existing street can handle the proposed traffic.
  - v. The developer has taken every effort to mitigate the impact of the proposed subdivision on public health, safety, and welfare.
- b. A preliminary plat approved by the Planning Commission shall be effective and binding upon the Commission for a period not to exceed twelve (12) months or as long as work is actively progressing, at the end of which time the final plat application for the subdivision or an extension request must have been submitted to the Administrative Official. Any plat not receiving final approval or an extension with the period of time set forth herein or otherwise not conforming to the requirements of this regulation, shall be null and void, and the developer shall be required to submit a new plat of the property for preliminary approval subject to all zoning restrictions and these regulations.

- c. Approval of the preliminary plat shall be accompanied by a Certification of Preliminary Plat approval executed by the Planning Commission Chairman. Such approval authorizes the subdivider to proceed with preparation of an application for final plat approval.
- d. Receipt by the subdivider of the executed Certificate of Preliminary Plat Approval is authorization to proceed with the preparation of necessary construction plans and specifications as set forth in Section 5.4.3. Upon review and approval of the construction drawings by the Administrative Official, a Notice to Proceed will be issued and the subdivider may commence with the installation of required public improvements. The subdivider shall build all public streets, drainage, and other utility improvements to the specifications of the construction plans approved by the City's engineer. Construction work shall be subject to on-site inspections by the city to verify conformance with the approved construction plans.

#### **5.4.5 Disapproval of the Preliminary Plat**

Disapproval of a preliminary plat shall be governed by the following.

- a. A disapproved Preliminary Plat may be resubmitted. The plat shall be submitted to the Administrative Official for review as outlined in this regulation for an original preliminary plat submission.

#### **5.4.6 Engineering Analysis**

In addition to the submittals required in Section 5.3, the following engineering analyses shall be Submitted with preliminary plat.

- a. Street profiles shall be included showing existing and proposed elevations along center lines of all roads drawn at a horizontal scale of 20' to 50' to the inch and a vertical scale of 2' to 5' to the inch, or as otherwise allowed by the City's engineer. Such profiles shall be prepared by an engineer registered to practice in the State of Arkansas.
- b. At the option of the City's engineer, street cross sections of all proposed streets shall be included at a minimum of fifty (50) foot stations as follows: On a line at right angles to the centerline of the street, said elevation points shall be at least at the centerline of the street, at each property line and at points twenty-five (25) feet inside each property line.
- c. Flood plain Analysis - Where a portion of a plat is suspected to be flood prone, and the U.S. Army Corps of Engineers information is not available, an engineering analysis shall be required by the City's engineer. Such analysis shall determine to the best of the engineer's ability a safe building line and shall be clearly and legibly drawn on the preliminary plat.
- d. Soils Test - Soils tests may be required by the Administrative Official where it is suspected that soil conditions may affect structural or operational aspects of the facilities to be constructed. Such circumstances may include the stability of slopes, foundation conditions, and potential hazards created by deep cuts and fills required for street or utility construction and similar situations.

#### **5.4.7 Survey Standards**

All surveying must be done by a Professional Surveyor and must be conducted to the Arkansas Minimum Standards for property Boundary Surveys and Plats.

#### **5.4.8 Preliminary Plat Certificates**

Each preliminary plat submitted to the Planning Commission shall carry the following certificates as appropriate:

### Certificate of Surveying Accuracy

I, \_\_\_\_\_, hereby certify that this plat correctly represents a boundary survey made by me and all monuments shown herein actually exist and their location, size, type and material are correctly shown.

Signed \_\_\_\_\_

Date of Execution \_\_\_\_\_ Name \_\_\_\_\_

Professional Surveyor No. \_\_\_\_\_ Arkansas

### Certificate of Preliminary Engineering Accuracy

I, \_\_\_\_\_, hereby certify that this plat correctly represents a plat made by me, and that engineering requirements of the Lonoke Unified Development Code have been complied with.

Signed \_\_\_\_\_

Date of Execution \_\_\_\_\_ Name \_\_\_\_\_

Professional Engineer No. \_\_\_\_\_ Arkansas

### Certificate of Preliminary Plat Approval

All requirements of the Lonoke Unified Development Code relative to the preparation and submittal of a Preliminary Plat having been fulfilled, approval of this plat is hereby granted, subject to further provisions of said Rules and Regulations. This Certificate shall expire:

Date of Execution \_\_\_\_\_

Chairman, Lonoke Planning Commission \_\_\_\_\_

Administrative Official \_\_\_\_\_

## **SECTION 5.5 FINAL PLAT REQUIREMENTS**

### **5.5.1 Application for Approval of the Final Plat**

Whenever the provisions of these rules and regulations have been complied with and while the Certificate of Preliminary Plat Approval is in effect, the subdivider may submit to the Lonoke Public Works Department an application for review and approval of the Final Plat which shall consist of:

- a. A letter of application requesting review and final approval of the plat.
- b. The Final Plat and other documents as specified in Section 5.3
- c. A check in the amount of the prescribed fee as set by the City Council.

### **5.5.2 Approval of the Final Plat**

There shall be a minimum time between preliminary plat approval and final plat review by the commission of two months.

The final plat of the proposed subdivision shall be submitted to the Planning Commission for final approval while the Certificate of Preliminary Plat Approval remains in effect. If not submitted for final approval within such time, the preliminary plat shall be considered as having been abandoned, unless the Planning Commission agrees to an extension of time.

If the subdivider requests permission to develop only a portion of the property for which the preliminary plat was approved, the Planning Commission may grant approval of a final plat for said portion alone. For residential plats such stages shall contain at least three (3) lots of the approved preliminary plat seeking final plat approval. The Planning Commission may require a performance bond for the public improvements in an amount as commensurate with the stage of the plat being filed and may defer additional performance bond requirements until additional stages of the plat are offered for filing.

The original plat and all copies shall be retained and distributed in accordance with the provisions contained herein.

### **5.5.3 Failure to Act**

Failure of the Planning Commission to approve or disapprove within forty-five (45) days of receipt of the application shall be deemed approval of the Final Plat and waives all further plat requirements of these rules and regulations. Such failure to act shall be so noted by the staff on the Plat to be filed for record.

### **5.5.4 Notification of Disapproval**

If a Final Plat is disapproved by the Planning Commission, the applicant shall be so notified in writing within five (5) working days of the Commission action and the reasons therefore shall be enumerated.

### **5.5.5 Final Approval**

Final Approval of the Final Plat shall be indicated by the execution of a Certificate of Final Plat Approval on the Plat.

### **5.5.6 Certificate of Final Plat Approval**

The Commission may execute a Certificate of Final Plat Approval when the City Clerk or the Administrative Official has determined that the sub-divider has fully complied with the provisions of Section 5.5.3



### **5.5.7 Acceptance of Dedications**

Approval of a Final Plat by the Commission or staff shall not be deemed acceptance of any of the dedications shown on the plat.

### **5.5.8 As-Built Drawings**

Upon completion of the installation of the improvements required by these rules and regulations, the subdivider shall present to the Administrative Official one complete set of the "as built" construction plans and drawings showing the subdivision and its improvements. This set of plans and drawings shall include:

- a. Plans of all streets and alleys showing the location of all utility lines.
- b. Centerline profiles of all streets.
- c. Profiles or invert elevations of all storm and sanitary sewerage lines as such improvements shall have actually been installed by the subdivider.
- d. A letter submitted by a Professional Engineer certifying that all improvements and installations have been made in accordance with the submitted construction plans and drawings and the standards established by the city or the county, and said improvements and installations are functioning properly.

### **5.5.9 Final Plat Application Requirements**

An application for a final plat shall be accompanied by the following:

- a. General:
  - i. Five (5) black or blue line prints of the final plat, clearly and legibly drawn, shall be submitted on white paper no larger than 24 inches by 36 inches.
  - ii. Five (5) black or blue line prints on white paper no larger than 11 by 17 inches and no smaller than 8 ½ inches by 11 inches shall also be submitted.
  - iii. The final plat shall show all certificates as specified in Section 5.3, and with the Certificate of Owner, Certificate of Engineering and Certificate of Surveying Accuracy being executed.
  - iv. The final plat shall be clearly and legibly drawn in black ink on white bond at the same scale and dimensions used for the approved preliminary plat.
  - v. The final plat shall conform to the preliminary plat, and it may constitute only that portion of the approved preliminary plat that the subdivider proposes to record and develop at any one time, provided that such portion conforms to the requirements of these rules and regulations.
- b. Final plat containing all materials, maps, and other items listed for final plat submittals in Section 5.3 of this code
- c. Final Plat Certificates - Each final plat submitted to the staff for approval shall carry the following certificates printed thereon.

### Certificate of Owner

We, the undersigned owners of the real estate shown and described herein, do hereby certify that we have laid off, platted, and subdivided, and do hereby lay off, plat, and subdivide said real estate in accordance with this plat.

Signed \_\_\_\_\_ Date of Execution \_\_\_\_\_

Name: \_\_\_\_\_ Address: \_\_\_\_\_

Source Of Title: Book \_\_\_\_ Page \_\_\_\_ Instrument Number: \_\_\_\_\_

### Certificate of Recording

This document, number \_\_\_\_\_ filed for record \_\_\_\_\_ , 20 \_\_\_\_\_

Plat Book \_\_\_\_\_ Page \_\_\_\_\_

Signed \_\_\_\_\_

Name: \_\_\_\_\_ Clerk: \_\_\_\_\_

### Certificate of Engineering Accuracy

I, \_\_\_\_\_, hereby certify that this plat correctly represents a plat made by me, and that engineering requirements of the Lonoke Unified Development Code have been complied with.

Signed \_\_\_\_\_

Date of Execution \_\_\_\_\_ Name \_\_\_\_\_

Professional Engineer No. \_\_\_\_\_ Arkansas

### Certificate of Surveying Accuracy

I, \_\_\_\_\_, hereby certify that this plat correctly represents a boundary survey made by me and all monuments shown herein actually exist and their location, size, type and material are correctly shown.

Signed \_\_\_\_\_

Date of Execution \_\_\_\_\_ Name \_\_\_\_\_

Professional Surveyor No. \_\_\_\_\_ Arkansas

### Certificate of Final Plat Approval

All requirements of the Lonoke Unified Development Code relative to the preparation and submittal of a Preliminary Plat having been fulfilled, approval of this plat is hereby granted, subject to further provisions of said Rules and Regulations. This Certificate shall expire:

Date of Execution \_\_\_\_\_

Chairman, Lonoke Planning Commission \_\_\_\_\_

Administrative Official \_\_\_\_\_

#### 5.5.10 Bill of Assurance

The Bill of Assurance shall be submitted to the staff for review and approval with the final plat. Such document shall incorporate the same provisions as those filed with the preliminary plat, including but not necessarily limited to the following: offering dedications of streets and alleys, parks and other lands; establishing easements, setting forth privileges and conditions pertaining thereto, and setting forth the restrictions and covenants of the subdivision; and setting forth procedures by which amendments to the Bill of Assurance can be made. Said Bill of Assurance shall contain reference to the approval of the final plat.

## **SECTION 5.6 INCIDENTAL SUBDIVISIONS**

### **5.6.1 Incidental Subdivisions**

For the purposes of these regulations, Incidental Subdivisions include the following:

- a. Lot Splits in which a single lot, tract, or parcel is being split into two lots meeting minimum lot requirements.
- b. Minor subdivisions containing no more than five (5) lots, in which all lots front a public street. Minor subdivisions shall not include any subdivision that is part of a larger tract to be developed in phases.
- c. Lot re-combinations in which all lots front a public street.
- d. Re-plats of existing lots or lot line adjustments in existing subdivisions.
- e. One-lot subdivisions which converts a metes and bounds description into a subdivision plat suitable for filing at the Lonoke County Recorder's office.

### **5.6.2 Approvals**

When a lot-split or minor subdivision, as defined, is involved, the subdivider shall prepare and file with the Planning Commission an Application for Approval of Lot-Split or Minor Subdivision. Said Application shall be filed with the planning commission at least twenty (20) days prior to a regular meeting of the Planning Commission.

The Application for Approval of Lot-Split or Minor Subdivision shall consist of a letter, a map, prescribed application fee, and such other data and information as may be desirable to support the Planning Commission's approval. Three (3) copies of the Plat Map shall be included with the Application; and the letter shall state the subdivider's intention regarding the lot-split or minor subdivision. The required content of the plat is set forth below in Section 5.3.

The planning commission is hereby authorized to review the Application for Approval of Lot-Split or Minor Subdivision and provide approval. The Planning Commission shall review the final plat of the minor subdivision or lot split. If the final plat is satisfactory in light of the objectives of this Code and all required information is contained thereon, the Planning Commission shall certify its approval of the plat, make proper notation on the original tracing of said plat, and permit the plat's recording in the office of the Circuit Clerk-Recorder.

## **SECTION 5.7 LARGE SCALE DEVELOPMENTS**

*(Amended by 768-2020) (Amended by 792-2022)*

### **5.7.1 Procedure**

- a. A Large-Scale Development consists of a non-residential building(s) containing an aggregate of 15,000 square feet or more, or which will be located on a site which contains 2 acres or more. Multi-family Developments containing more than three housing units shall also qualify as Large-Scale Developments. The Developer of the large-scale development shall prepare and file with the Planning Commission an application for approval of development. Said application shall be filed in accordance with Section 2.7.
- b. The application shall not be accepted until the Developer has paid the application fee as established by the City Council.

- c. The application for approval of the development shall consist of a letter (describing the intended uses of the buildings), a site plan, and such other data and information that may be desirable to support the Planning Commission's approval. Twelve (12) copies of the site plan, prepared by a registered engineer or licensed surveyor, shall be included with the application.
- d. The application must be signed by the owner of the property (supported by a deed of record), and any person representing the owner or developer before the Commission.

#### **5.7.2 Site Plan Requirements**

- a. The site plan shall be prepared by an engineer or surveyor.
- b. Multi-Family Developments less than 2 acres may submit a "Certificate of No Adverse Impact". This shall show pre-development analysis, a computation of the change in the coefficient of runoff, and a post-development impact computation. This document must be prepared by a licensed Professional Engineer (P.E.) in the State of Arkansas.

#### **5.7.3 Planning Commission Procedure**

- a. The Planning Commission shall review the application at the next regularly scheduled meeting after receiving the completed application with all required attachments. If the Commission determines that the development is appropriate, as submitted, then it shall approve it. The Commission may require the developer to change the plan as submitted, and may disapprove applications that conflict with any of the provisions of the Land Subdivision and Development Code.
- b. Upon obtaining approval from the Planning Commission, the developer may commence construction after obtaining a building permit and any other required permits.
- c. The approval from the Planning Commission shall be limited to the type of building/development stated within the letter accompanying the application. Should the developer decide to build or develop on the property in a manner inconsistent with the use as stated in the letter and site plan accompanying the application, the applicant must submit a new application to the Planning Commission for approval. Should the developer build or develop the property for a use contrary to the use stated in his application, the approval previously granted by the Planning Commission shall become null and void, and the developer shall cease construction/building on the property upon receipt of notice from the Administrative Official.

#### **5.7.4 Expansion of Existing Buildings**

Expansions of existing buildings shall be considered large-scale developments only when they meet one of the following.

- a. The expansion increases the size of the building by greater than 1/3 of its original size.
- b. The expansion creates the need to change the existing design of the development's access.
- c. Changes have occurred to adjacent properties that would require new site analysis of the proposed development.

### **SECTION 5.8 REQUIREMENTS FOR IMPROVEMENTS, RESERVATIONS, AND DESIGN**

#### **5.8.1 General**

In addition to the specific requirements for improvements and their design, the following general principles, shall guide the staff, the Subdivision Committee, and the Planning Commission in their review of proposed development and subdivision of land.

### **5.8.2 Suitability of the Land**

Land subject to flooding, improper drainage, and erosion, and any land deemed by the Planning Commission to be topographically or otherwise unsuitable for residential use shall not be platted for residential occupancy nor shall such land be platted for any other uses as may continue such conditions or increase danger to health, safety, life or property unless steps are taken to diminish the above-mentioned hazards.

### **5.8.3 Land Set-Aside**

Such land within a proposed subdivision not detrimental to the development of the subdivision shall be set aside for uses as shall not be endangered by the conditions set forth in Section 5.8.2. In particular, land within the 100-year flood plain as defined by the U.S. Army Corps of Engineers or the appropriate federal agency shall not be platted unless the subdivider shall incorporate such improvements as will render the area substantially safe for development and in accordance with all flood plain regulations.

### **5.8.4 Adequacy of Public Facilities and Services**

Land which is neither provided, nor programmed by the city within the corporate limits to have adequate water, sanitary sewer services or storm drainage facilities shall not be subdivided for purposes which require such services unless the developer provides such services.

### **5.8.5 Subdivision and Street Names**

The proposed name of subdivision and streets shall not duplicate, or too closely approximate phonetically, the name of any street or subdivision in the area covered by these regulations. The Lonoke County 911 Coordinator shall review and have final authority to designate street and subdivision names.

### **5.8.6 Access**

Every subdivision shall be served by a publicly dedicated street. Every lot or parcel within a subdivision shall have direct access to a public street.

### **5.8.7 Conformance to Municipal Plans**

All proposed subdivisions shall conform to the General Plan including the Master Street Plan in effect at the time of submission to the Commission.

### **5.8.8 Location of Streets**

All highways and street rights-of-way, and other features of the Master Street Plan, shall be platted by the subdivider in the location and the dimension indicated on the Master Street Plan.

### **5.8.9 Reservations**

Where such features other than streets of any municipal plan are located in whole or in part in a proposed subdivision, such planned features shall be reserved by the subdivider for a period of ninety (90) days from the date of submission of the preliminary plat. At the end of ninety (90) days, if the public body responsible for acquisition of such area has not purchased, condemned or optioned the land, such reservation shall be automatically voided permitting the land to be developed in a manner suitable to the subdivider subject to the provisions of these rules and regulations.

### **5.8.10 Waiver of Reservations**

The Commission shall waive the above-mentioned platting and reservation requirements of Section 5.8.9 whenever the Administrative Official or public body responsible for land acquisition executes a written release stating that such planned feature is not to be acquired.

### **5.8.11 Failure to Conform to Plans**

The Commission may disapprove plats when such planned features, as specified by the General Lonoke Unified Development Code

Plan, the Master Street Plan or any other municipal or utility plans, are not incorporated into the plat.

#### **5.8.12 Zoning or Other Regulations**

No Final Plat of land within the force and effect of the Lonoke Zoning Code shall be approved unless it conforms to such ordinance. Whenever there is a discrepancy between minimum standards or dimensions noted herein and those contained in zoning regulations, building code, or other official regulations or ordinance the most restrictive shall apply. The Planning Commission shall grant no waiver to the subdivision regulations that would have the effect of violating any provision of the zoning regulations.

#### **5.8.13 Timing of Zoning**

When rezoning is required to bring a proposed subdivision into conformance with the authorized land use, such action shall be initiated by the applicant prior to or simultaneously with the request for subdivision approval.

#### **5.8.14 Large Tracts or Parcels**

When land is subdivided into larger parcels than ordinary building lots, such parcels shall be arranged and designed so as to allow for the opening of future streets and to provide access to those areas not presently served by streets.

### **SECTION 5.9 DESIGN REQUIREMENTS**

#### **5.9.1 General**

Every sub-divider engaging in the subdividing and development of land as identified in this regulation shall be required to install, at his or her own expense, or to have installed by the appropriate public utility the following improvements.

#### **5.9.2 Streets**

Streets shall be related approximately to the topography so as to produce useable lots and streets of reasonable gradient. All streets shall be cleared and graded as approved by the City's engineer. Street grades shall conform as closely as possible to the original topography. Combinations of steep grades and curves shall be avoided. Curbs and gutters shall be installed on all streets except as this regulation may direct.

#### **5.9.3 Master Street Plan**

The location and widths of all highways, thoroughfares, streets, and roads shall conform to the Master Street Plan.

#### **5.9.4 Street Layout**

The proposed street layout should be appropriate for the type of development proposed and properly integrated with the street system in the area adjoining the subdivision. The layout shall also conform to the existing and proposed land uses and the most advantageous development pattern for the surrounding area.

#### **5.9.5 Through Streets**

Proposed through streets shall be extended to the boundary of the tract to be subdivided and a temporary cul-de-sac shall be constructed to be removed when the street is extended beyond the property. The Administrative Official may also require temporary cul-de-sacs on short stub streets.

#### **5.9.6 Dedication of Streets**

Every subdivision shall be served by an adequate system of publicly dedicated streets or their private counterparts as specified herein. All public streets within the subdivision shall be located, Lonoke Unified Development Code

platted and dedicated to the city or the county in accordance with the standards and procedures outlined in these regulations.

**5.9.7 Perimeter Half-streets**

New perimeter half-streets shall not be allowed.

**5.9.8 Adjacent Streets**

Subdivisions that adjoin existing streets shall dedicate additional right-of-way to meet the minimum right of way width requirements from each side of the centerline.

**5.9.9 Pavement Widths, Rights-of-way, and Curb Radii**

Street pavement widths and curb radii shall be installed according to standards adopted by the Administrative Official. All widths shown are from back of curb to back of curb. All requirements are minimums. Property line radii shall be concentric with the curbside. When necessary to permit the construction of a curb having a desirable radius without curtailing the sidewalk at a street corner to less than normal width, the property line at such street corner shall be rounded or otherwise set back sufficiently to permit such construction.

Type of Street	Right of Way	Street Width	Curb Radii
Principal Arterial W/Median	90 Feet	65 Feet	40 Feet
Principal Arterial W/ Center Turning Lane	85 Feet	63 Feet	40 Feet
Urban Local W/One Parking Lane	50 Feet	33 Feet	35 Feet
Urban Collector W/Two Parking Lanes	60	43 Feet	35 Feet
Collector	60 Feet	37 Feet	40 Feet

Type of Street	Right of Way	Street Width	Curb Radii
Collector W/ Median	60 Feet	39 Feet	40 Feet
Local Street	50 Feet	27 Feet	25 Feet
Cul-de-sac	50 Feet	27 Feet	25 Feet
Cul-de-sac Turn Around	50 Foot Radius	50 Foot Pavement Radius	NA
Rural Local	50 Feet	30 Feet	40 Feet

**5.9.10 Cul-de-sac length**

The maximum length of a cul-de-sac street or dead-end fire apparatus access road shall be 750 feet without special approval of the Fire Marshall.

**5.9.11 Soil Conditions**

The City’s engineer may require soil tests and/or an engineering analysis and design of pavement and base thickness in areas of known or suspect poor soil and drainage and shall require soil tests and engineering analysis and design of pavement and base thickness for arterial, collector and commercial streets. When directed by the City’s engineer due to the following conditions occurring within the limits of the street and curb sub-grade:



- a. Localized weak soil conditions shall be undercut, excavated material removed, and crushed stone, shale or other material approved by the City's engineer be used to bring the sub- grade to finish grade.
- b. Continuous springs and wet weather springs shall be intercepted with a French drain system and drained to an acceptable drainage way.
- c. Large areas having weak soil conditions, as evidenced by sub-grade or base failure prior to surfacing, shall have the sub-grade undercut to sufficient depth and base thickness increased as required to stabilize the sub-grade. Filter fabric shall be required when large area sub-grade failures occur due to saturated soil conditions as a result of seasonal perched water tables.

**5.9.12 Right of Way**

Subdivisions that adjoin existing streets shall dedicate additional right-of-way to meet the above minimum street width requirements from each side of the center line. In addition, paving and other improvements shall be installed in accordance with the established standards for improvements for that portion of the affected streets.

When the subdivision is located on only one side of an existing street, one-half of the required right-of-way shall be provided. In addition, paving and other improvements shall be installed in accordance with the established standards for improvements for that portion of the affected streets.

**5.9.13 Frontage Roads**

When a tract fronts on streets other than minor streets or collector streets, the Commission may require affected lots fronting on such major streets to be provided with frontage roads.

**5.9.14 Sewer Stubs**

All sewer stubs and service conduit locations shall be marked in a manner, approved by the City's engineer, on the curb for the purpose of locating by the utilities, as well as accurately recording said locations on the as-built drawings.

**5.9.15 Street Grades**

Grades shall conform to the requirements of the Master Street Plan and Arkansas Fire Prevention Code.

**5.9.16 Intersections and Alignments**

The design of intersections and alignments shall conform to the following.

- a. The centerline of no more than two (2) streets shall intersect at any one point. Street intersections shall be as nearly at right angles as possible, and no intersection shall be at an angle less than seventy-five (75) degrees.
- b. Where the angle of street intersection is less than ninety (90) degrees, the Commission may require a greater curb radius than is prescribed in Section 5.9.9
- c. Proposed new intersections, whether including an existing street or not, shall wherever practicable coincide with any existing intersections on the opposite side of such street.
- d. Street jogs with centerline offsets of less than one hundred and fifty (150) feet shall not be allowed unless all streets are local or special circumstances warrant a written variance approved by the Planning Commission.
- e. In the review of commercial and other large-scale developments, the number of drive openings and their alignment with intersecting streets and other development drive openings shall be evaluated and approved by the Planning Commission with due regard to the street

classification(s) and expected traffic volumes of the development and streets.

- f. Intersections shall be designed with a flat grade wherever practical. In hilly or rolling areas, at the approach to an intersection, a leveling area should be provided having not greater than two percent (2.0%) rate at a distance of fifty (50) feet measured from the nearest curb line of the intersecting street. When approved by the City's engineer, the maximum allowable grade of the approach to an intersection shall be one-half (1/2) of the intercepting grade at a distance of fifty (50) feet measured from the nearest curb line of the intersecting street. A vertical curve with a minimum of fifty (50) foot length is required at the grade intersection of the approach.
- g. Additional street paving and/or right-of-way in the form of turning lanes may be required by the City's engineer's Office where heavy traveled traffic is anticipated.
- h. Where visibility at any proposed street intersection would be impeded by earthen berms, banks, or existing vegetation, the developer shall cut such ground and/or vegetation in conjunction with the grading of the street right-of-way sufficient to provide adequate sight distance.
- i. Street intersections shall be located to avoid creating hazardous driving conditions.
- j. Curvilinear streets are recommended for local, collector and arterial streets in order to discourage excessive vehicular speeds and to provide attractive vistas. Whenever a street changes direction or connecting street lines deflect from each other by more than ten degrees, there shall be a horizontal curve. To assure safe conditions, the minimum centerline radii for horizontal curves shall be:

Arterial Streets	300 feet
Collector Streets	200 feet
Local Service Streets	100 feet

**5.9.17 Utility and Drainage Easements**

The following shall govern the establishment of easements connected with a subdivision.

- a. Utility and drainage easements for poles, wires, conduits, storm sewers, sanitary sewers, gas lines, water lines and similar purposes shall be provided where required by the utilities or the Administrative Official. Easements shall be of sufficient width to provide for installation, access and maintenance of the facility or service. Such easements shall be not less than 10 feet from the rear lot line and 5 feet on each side lot line for a total of 10 feet. The specific location of easements not uniform in width and parallel to lot lines must be shown by dimensions. Easements for open drainage channels, streams, creeks and similar waterways shall be of sufficient width to provide the required waterway cross sectional area plus access for maintenance. A minimum of 15 feet on both sides may be required for access and maintenance. The minimum width shall be 25 feet. No encroachments of any type shall be permitted in open drainage channels. Vehicle and equipment access for maintenance shall be provided when required by the City's engineer.
- b. No building may be erected over or in an easement. No encroachments of any type shall be permitted in open drainage channels.
- c. All vehicular access easements shall be clearly indicated on the plat and properly dimensioned according to the requirements of this regulation.

### **5.9.18 Water Supply Lines**

Where a public water supply is within a reasonable distance, the subdivider shall install or have installed a system of water mains and connect to such supply. A service line and meter box to each lot shall be installed prior to the paving of the street.

### **5.9.19 Water Supply**

Where a public water supply is not feasible for connection, each lot in a subdivision shall be furnished with a water supply system approved by the Arkansas Health Department.

### **5.9.20 Sanitary Sewage Disposal**

Sewage disposal shall be via a connection to a public sanitary system where feasible and where not feasible each lot shall serve by a septic system be approved by the Arkansas Health Department.

### **5.9.21 Sanitary Sewage Connection**

A connection to each lot on the public sanitary system shall be installed prior to street paving.

### **5.9.22 Blocks**

The lengths, widths and shapes of blocks shall be determined with due regard for the following:

- a. Provision of adequate building sites suitable to the special needs of the type use contemplated.
- b. Zoning requirements as to lot sizes and dimensions.
- c. Needs for convenient access, circulation, control and safety of street traffic.
- d. Limitations and opportunities of topography.

### **5.9.23 Block Lengths**

Blocks of less than 200 feet in length or more than 1,200 feet in length are discouraged except as the terrain itself makes blocks of other length desirable. When a block exceeds 600 feet in length, the Planning Commission may require a dedicated easement not less than 15 feet in width and a paved crosswalk not less than four feet in width to provide pedestrian access across the block.

### **5.9.24 Lots**

The layout of individual lots within a subdivision shall conform to the following standards.

- a. Every lot shall abut upon a public street. The size, shape and orientation of lots shall be appropriate for the location of the subdivision and for the type of development and use contemplated.
- b. Minimum lot dimensions shall conform to the requirements of the zoning code for the applicable zoning district within the city limits. Outside the city, the developer should design the subdivision to the standards of one of the zoning districts contained in the zoning portion of this code.
- c. No residential lot, in general, shall be more than three (3) times as deep as it is wide nor shall any lot average less than 100 feet in depth. Lot width shall be measured at the building line except in the case of lots abutting cul-de-sac where the average width of the lot shall be used.
- d. Lots served by a public water system and proposed to be served by a septic tank system must submit at the time of preliminary plat filing a written certification of approval by the Arkansas State Department of Health. The lot sizes shall be not less than one acre.

- e. Side lot lines shall be at right angles to street lines or radial to curving street lines unless a variation from this regulation will give a better street or lot plan or allow better utilization for conservation of energy.
- f. Corner lots for residential use shall have a minimum width of seventy-five (75) feet to accommodate the required building line on both streets and to assure adequate visibility for traffic safety.
- g. Pipe-stem-lots may be permitted in residential subdivisions provided that the stem or narrowest part of such a lot shall not be less than twenty (20) feet in width or have a length of more than two hundred (200) feet. In pipe-stem lots, the building line shall be computed from the front lot line and not associated with the pipe-stem portion. Pipe-stem lots are to be used on rare occasions in order to use otherwise unusable properties.
- h. The minimum building setback lines shall conform to the requirements of the zoning code. In areas not zoned, such as areas outside the city limits, the minimum building setback lines shall conform to R-1 in residential subdivisions and C-2 in commercial subdivisions.
- i. The size of properties reserved or laid out for commercial or industrial uses should be adequate to provide for off-street parking facilities and services required by the type of use and development contemplated. When developed within the city limits, they shall conform to the Zoning Ordinance.

## **SECTION 5.10 REQUIRED IMPROVEMENTS**

Every subdivider shall be required to install, at the developer's expense, or to have installed by the appropriate public utility, the following improvements.

### **5.10.1 Streets – Grading**

All streets shall be cleared and graded as determined by the city's street specifications.

### **5.10.2 Streets – Finished Grades**

Finished grades of all streets shall be in accordance with the city's street specifications.

### **5.10.3 Streets – Paving**

Street paving widths of all streets shall be in accordance with the city's street specifications.

### **5.10.4 Streets – Curbs and Gutters**

Curbs and gutters, where required, shall be installed according to the city's specifications. The Master Street Plan shall determine when curbs and gutters are required. The requirements for curbs and gutters for Planned Unit Developments or for alternate development codes shall be negotiated during review of the development or alternate code.

### **5.10.5 Sidewalks – General**

Sidewalks shall be installed on both sides of all streets constructed.

### **5.10.6 Sidewalks – Widths**

Where required, shall be a minimum of five feet wide and shall be installed within the dedicated right-of-way a minimum of five feet from the curb line, except where otherwise specified in this section and except where the land is topographically unsuited for the construction of sidewalks.

### **5.10.7 Sidewalks – Accessibility**

Sidewalk ramps shall be constructed to permit wheelchair access at street intersections. The ramp specifications shall meet or exceed the most current ADA standards.

### **5.10.8 Storm Drainage**

All development shall be provided with a storm drain system that is designed and constructed to accommodate stormwater that originates in or traverses the subdivisions. The stormwater drainage system shall be engineered to ensure the natural drainage function of the land is not substantially altered after development, such that development shall not adversely affect adjacent properties. Storm drainage capacity upstream and downstream of the property must be addressed in the project planning. Storm drainage for all development shall be designed for a 10-year rainfall frequency. The quantity of runoff shall be calculated using acceptable engineering methods of computation. Such computations shall be checked and approved by the City Engineer. All storm drainage pipe shall be RCP Class III unless specifically approved otherwise by the City Engineer.

### **5.10.9 Storm Drainage Within Street Right-of-way**

Within any street right-of-way, an underground drainage system shall be required with inlets as necessary. Concrete valley gutters shall be used at all surface cross drains where surface flow is less than three (3) cfs. Underground drainpipes are required fall all surface area drains where flow is greater than three (3) cfs. The design of all concrete valleys is subject to review and approval at the City's engineer.

### **5.10.10 Monuments**

Permanent reference monuments shall be required on all outside lines of the subdivision at angle points and points of curve. Such monuments shall be of steel 3/4" in diameter, 24" in length or other approved monument and shall be set flush with the ground in concrete.

### **5.10.11 Lot Corners**

All lot corners shall be marked with metal pins not less than 3/8" in diameter and 16" long and driven so as to be flush with the finished grade.

### **5.10.12 Monument Standards**

All monuments shall be installed and certified as such by a professional surveyor after all improvements have been completed. All monuments shall comply with the Arkansas Minimum Standards for Property Boundary Surveys and Plats.

### **5.10.13 Fire Hydrants**

Fire hydrants shall be placed in accordance with the Arkansas Fire Prevention Code.

### **5.10.14 Street Name Signs**

Street name signs shall be placed on diagonally opposite corners of each street intersection in conformance with standards adopted by the city.

### **5.10.15 Street Lights and Standards**

In subdivisions improved with underground wiring, the Developer shall install ornamental light standards with street lights for the subdivision (in contrast to wood poles normally provided by the power company). The staff shall approve location of street lights as indicated on the preliminary plat.

### **5.10.16 Water Supply – Public**

Where a public water supply is within a reasonable distance, the subdivider shall install or have installed a system of water mains and connect to such supply. A connection to each lot shall be installed prior to the paving of the street.

**5.10.17 Water Supply – Private**

Where a public water supply is not available, the subdivider shall furnish the Planning Commission satisfactory evidence that a sufficient quantity of water of a quality approved by the State Board of Health is available to each individual lot.

**5.10.18 Sanitary Sewage Disposal – Public**

Where a public sanitary sewer is within a reasonable distance of any point of a subdivision, the subdivider shall connect with such sewer and provide a connection to each lot. Such sanitary sewage system shall be installed prior to the installation of the street pavement.

**5.10.19 Sanitary Sewage Disposal – Private**

Where a public sanitary sewer is not accessible, an alternate method of sewage disposal for each lot, or a community sewage disposal system may be used when in compliance with the standards of the Arkansas State Health Department and these regulations.

**5.10.20 Sanitary Sewage Disposal – Planned**

Where public sanitary sewer mains are to be available in a reasonable time, the Commission may require the sewer collection system to be installed and capped and an alternate temporary method of sewage disposal designed for each lot.

**5.10.21 Interpretation of Subdivider**

In the preceding paragraphs, the phrase: “The subdivider shall be required to install...” shall be interpreted to mean that the subdivider shall cause the improvements referred to herein to be installed, or whenever a septic tank and absorption system or private water supply is to be provided, that the subdivider shall require, as a condition in the Bull of Assurance of the subdivision, that those facilities shall be installed by the builders of the improvements of the lots in accordance with these rules and regulations.

**SECTION 5.11 BOUNDARY STREET IMPROVEMENTS**

**5.11.1 Administration**

The planning commission shall be responsible for requiring improvements in the public right-of-way consistent with this ordinance, with regard to subdivisions and all other affected developments.

The City Treasurer’s office shall be responsible for receiving, recording, depositing, and reporting in-lieu cash contributions as determined by the planning commission. The City Treasurer’s office shall maintain a boundary street improvement account and shall furnish a yearly report summarizing the account to the Mayor and City Council. This report shall include both the principal and the interest earned for the accounting period.

**5.11.2 Developments included**

The following property classifications shall comply with this article:

- a. Subdivisions
- b. Large scale developments
- c. Schools and institutional developments

Boundary street improvements shall not be required for developments along state or federal highways. Boundary street improvements shall only be required for developments which on streets which the City of Lonoke has identified for improvement in a Capital Improvements Plan within five years of the date of the application of the development. However, right-of-way dedications shall be required for all developments.

### **5.11.3 Plat Approval**

No plat, site plan or building permit shall be approved unless the developer has complied with the provisions of this ordinance.

### **5.11.4 Improvements Included**

When a proposed subdivision abuts an existing public street right of way, the developer will be responsible for installing boundary street improvements as defined by this section. Boundary street improvements shall include the following:

- a. Reconstruction of one-half section of the abutting street if the existing street is not up to city standards.
- b. Widening of one-half section of the abutting street to city standards.
- c. Reconstruction or construction of the entire street section of the street if the existing street is not up to city standards and is located wholly within the proposed subdivision.
- d. Curb and gutter for the length of the project boundary that adjoins the street.
- e. Sidewalks as required by the subdivision regulations.
- f. Standard drainage piping and drainage structures.
- g. One hundred (100) percent of bridge and box culvert construction. (Waivers may be granted in the case of arterial streets.)
- h. Other standard roadway or drainage improvements required by ordinance or as may be required to conform to accepted engineering principles, as identified by the City Engineer and relayed to the Planning Commission.

### **5.11.5 Right-of-way dedication**

The subdivision plat or site plan will reflect right of way dedication for one-half of the right of way for affected boundary streets.

### **5.11.6 Master Street Plan**

Right-of-way dedication and boundary street improvements shall be in accordance with the Master Street Plan adopted for the planning area jurisdiction of the City of Lonoke.

### **5.11.7 In-lieu requirements**

In-lieu cash contributions may be allowed solely at the discretion of the city in situations including, but not limited to, the following:

- a. The horizontal alignment of the existing street pavement or right-of-way is such that the required minimum radius centerline alignment is not obtainable without participation of adjacent properties being developed.
- b. The proposed horizontal centerline alignment of the existing pavement does not coincide with either the existing centerline of the right-of-way, or the land line, the discrepancy being so large as to:
  - i. Necessitate the construction of more than one-half the street width.

- ii. Necessitate construction of new curb within the projected edge of the existing pavement. c.

The vertical alignment of the existing pavement is such that:

- i. The required safe stopping sight distance is not obtainable without extension of construction past the limits of the project.
  - ii. A reasonably smooth pavement or a properly crowned and shaped cross section is not obtainable within the length and width requirements of the project.
  - iii. Under the constraints of good engineering practice, maximum permissible centerline grades or minimum permissible gutter grades cannot be obtained within the length and width limits of the project.
- d. The location of the existing or proposed street in the one-percent floodplain precludes the construction of street and drainage facilities.
  - e. A subdivision is so located that the presence of a drainageway necessitates construction of a drainage structure which would be unfeasible as half street construction.
  - f. The state of adjacent land development along the street precludes further acquisition of improvements through plat processes.
  - g. The length of the property boundary along the right-of-way is less than three hundred (300) linear feet and is not located at an intersection.
  - h. The Administrative Official determines that in-lieu cash contributions would be in the best interest of the city.

#### **5.11.8 In-lieu contributions**

In lieu of constructed improvements, the developer shall contribute to the city a cash payment equal to one hundred (100) percent of the City Engineer's estimate of the cost of construction of the required boundary street improvements. Adjustments may be made by the City Engineer where deemed appropriate. In-lieu contributions shall be reimbursed with interest, as determined by the City Treasurer's office, when not expended for the specific required improvements within five (5) years from the date of permit approval. Funds will be expended on the same street except that intersecting streets may be included when improvements to such intersecting streets are necessary to provide adequate drainage or traffic flow between the intersecting street and the original street. Such improvements to intersecting streets shall not exceed beyond 100 feet from their intersection with the original street. The City Council must approve all refunds and may, at its discretion, refund proceeds before the five (5) year deadline.

#### **5.11.9 Appeals**

Any person aggrieved by an action or omission of the Planning Commission or the city department administering the provisions of this ordinance shall have the right of appeal to the City Council.

### **SECTION 5.12 CONSTRUCTION STANDARDS**

#### **5.12.1 Minimum Thicknesses for Asphalt Paved Streets**

All asphalt-paved streets must meet the following requirements for minimum thicknesses for street construction:



MINIMUM PAVEMENT THICKNESS FOR CITY STREETS:			
	Asphalt Surface Course	Asphalt Binder Course	Crushed Stone Base
Local	3"	0"	10"
Collector	2"	2"	12"
Arterial	Constructed by City or AHTD		

### 5.12.2 Grading and Subgrade Preparation

The streets shall be shaped and graded in accordance with the approved street plans. The sub

grade shall be compacted to 95% Modified Proctor Density (from back of curb to back of curb). Soft, yielding sections of sub grade shall be removed and replaced in six (6) inch maximum lift thicknesses with each lift compacted with a sheep's foot roller (compaction with track equipment or other equipment not specifically designed for earthwork compaction is not suitable) to 95% Modified Proctor Density. The moisture content of the fill material shall be plus or minus 3% of optimum. All earthwork, including the sub grade (back of curb to back of curb) shall conform to the requirements of Sections 210 and 212 of Arkansas State Highway Department's "Standard Specifications for Highway Construction". Prior to placement of the crushed stone base course, the sub grade must field demonstrate that it is firm and unyielding to the passage of equipment over the sub grade.

### 5.12.3 Asphalt Street Standards

The base shall consist of crushed stone base course conforming to the requirements of a Class 7 aggregate base course as specified in Section 303 of the Arkansas State Highway and Transportation Department's "Standard Specifications for Highway Construction". The base course shall be prepared in accordance with Section 304 of the Arkansas State Highway and Transportation Department's "Standard Specifications for Highway Construction".

The surface course shall consist of Asphaltic Concrete Hot Mix conforming to the requirements of Section 407 of the Arkansas State Highway and Transportation Department's "Standard Specifications for Highway Construction".

### 5.12.4 Concrete Street Standards

Base course or sub grade is to be compacted in keeping with Arkansas Highway Department Standard Specification, Section 302. Concrete pavement is to be constructed according to Section 501 Portland Cement Pavement Specifications. Concrete is to be 3,000 lbs. (PSI) compressed strength placed on a thoroughly compacted and graded sub grade. Concrete is to be poured in separate lanes with a maximum width of 15 feet. Transverse joints shall be of two (2) inches wide felt strip 1/16th to 1/4 inch thick at 15-foot intervals for contraction joints. The poured surface grade shall have a minimum thickness of six (6) inches of concrete. Reinforcing tie bars, where required, shall be in general conformance with the Portland Cement Association recommendations.

## SECTION 5.13 ACCEPTANCE OF PUBLIC DEDICATIONS, ASSURANCE FOR COMPLETION OF IMPROVEMENTS, AND WARRANTY

### 5.13.1 Acceptance of Public Dedications

Before the final plat is recorded in the office of the county Recorder, an agreement shall be reached between the Subdivider or his agent and the City Council. Said agreement shall be with regard to the installation of any street improvements, utility construction, or any other improvements called for in the subdivision plat; the dedication and/or reservation of lands for public use; the dedication and acceptance of utilities and public improvements; and other agreements as required in the Planning Commission's approval of the plat.

### **5.13.2 Assurance for Completion of Improvements**

The City of Lonoke must receive one of the following prior to accepting the public dedications and before the final plat will be eligible for recording:

- a. Certificate of Completion of Improvements – The subdivider may submit for approval to the Administrative Official a certificate stating that all improvements and installations to the subdivision required for its approval under the terms of these rules and regulations have been made, added, or installed and in accordance with these specifications. Said certificate shall be certified by registered professional engineer of record.
- b. Performance Bond – If the subdivider cannot certify that all the improvements in the subdivisions have been completed, a performance bond may be posted in favor of the city. Such performance bond shall specify the time for the completion of the paving and shall be in an amount determined by the City’s engineer to be sufficient to complete the improvements and installations for the subdivider in compliance with these rules and regulations, plus 50 percent for a total of 150 percent of the City’s engineer’s estimate. The bond shall be issued by a Surety Company authorized to do business in the State of Arkansas.
- c. Irrevocable Letter of Credit – If the subdivider cannot certify that all paving installation in the subdivision has been completed, an irrevocable letter of credit committed to the city, may be submitted. The letter must be certified from a financial institution insured by the Federal Deposit Insurance Corporation and shall:
  - i. Be in an amount determined by the City’s engineer to be sufficient to complete the improvements and installations for the subdivision in accordance with these regulations.
  - ii. Specify the time of completion of improvements and installations.
- d. Cash Deposit – The subdivider may provide a cash deposit in a full amount as specified by the City’s engineer as sufficient to complete the improvements and installations required to comply with these rules and regulations plus 50 percent for a total of 150 percent of the City’s engineer’s estimate.

### **5.13.3 Warranty**

The Developer shall warrant all improvements of the subdivision for a minimum of one (1) year after construction has been completed and the as built drawings have been accepted in writing by the City of Lonoke and after all new defects of sub-grade or pavement have been last repaired. The Developer in accordance with applicable construction standards shall make repairs. Repairs shall include, but not be limited to, localized pavement surface failures, sub- grade failures and drainage deficiencies.

## **SECTION 5.14 INSPECTION OF IMPROVEMENTS**

### **5.14.1 Notification of Completion**

Every subdivider shall be required to install streets, utilities, and public improvements in accordance with the following standards and specifications. All projects shall be constructed according to the approved plans and specifications of a Registered Professional Engineer. When the improvements required by these rules and regulations have been completed and installed, the Registered Professional Engineer shall submit a letter to the Mayor, City Engineer, and Administrative Official certifying improvements and installations have been made in accordance with approved construction plans, specifications, drawings, and the standards established by the City, and are functioning properly. Additional inspections shall be made in accordance with other applicable ordinances.

The Administrative Official or City Engineer shall then inspect those facilities, improvements and installations for conformance with plans and specifications. If such final inspection reveals that there are any defects or deficiencies in such improvements as installed or that the improvements differ from the final engineering plans and specifications, the Administrative Official or City Engineer shall notify the subdivision engineer and contractor in writing of such defects, deficiencies or deviations. The subdivider shall, at his expense, correct such defects or deviations within six (6) months of the date of notification. When such defects, deficiencies or deviations have been corrected, the subdivider shall notify the Mayor in writing that the improvements are again ready for final inspection.

## **SECTION 5.15 ACCEPTANCE, DEDICATIONS, AND RECORDATION**

### **5.15.1 Acceptance and Dedication**

Public dedications of streets and public facility sites outside the corporate limits of the city must be accepted by the Lonoke County Judge following execution of satisfactory guarantees for completion as described in this regulation.

Approval of final plats within the Lonoke City Limits by the Planning Commission and filing of the Plat of Record with the Circuit Clerk and Recorder of Lonoke County shall not constitute formal acceptance by the city of all approved public improvements covered by the Plat. Acceptance and dedication of all public improvements will be done by ordinance by the City Council.

### **5.15.2 Recording**

Upon approval of the final plat and acceptance of the public dedications by the City Council, the City shall record the final plat at the office of the County Circuit Clerk. The Developer shall pay all fees in connection with the recording of said plat.

Improvements shall be completed and the final plat shall be filed in the office of the Circuit Clerk within two (2) years after approval by the Planning Commission; if improvements have not been completed within such time, the City may redeem the bond and complete the improvements necessary to serve all lots having been issued building permits. The City Council may elect to complete all improvements or cease issuing building permits for the unimproved lots. Upon recording the plat, the City shall retain two (2) copies for the Planning Commission's file, one (1) copy shall be forwarded to the Tax Assessor, and two (2) copies shall be returned to the Subdivider.

### **5.15.3 Notification of Recordation**

No building permits may be issued until proof of the recording of said approved final plat has been presented to the Administrative Official, giving plat book and page number, or instrument number.

## ARTICLE VI: DEFINITIONS

### SECTION 6.1 DEFINITIONS

(Amended 792-2022)

#### 6.1.1 General

For the purpose of interpreting these regulations, words used in the present tense shall include the future tenses; words in the singular member include the plural; and words in the plural number include the singular, except where the natural construction of the writing indicates otherwise. The word “person” includes firm, partnership, or corporation as well as an individual.

#### 6.1.2 Definitions

For the purpose of interpreting these regulations, certain terms and words are to be used and interpreted as defined hereinafter:

*Abutting:* Having property or district lines in common. Since zoning district lines fall to the centerline of a street, alley or waterway, lots which appear physically separated abut at the district line.

*Access:* The way or means by which a piece of property is ingressed or egressed or entered.

*Accessory Buildings and Uses:* An **accessory building** is a subordinate building, the use of which is clearly incidental to, or customarily found in connection with, and (except as otherwise provided in this Code) located on the same lot as, the use of the main building or principal use of the land. An **accessory use** is one, which is clearly incidental to, or customarily found in connection with, and on the same lot as, the main use of the premises. When “accessory” is used in the text, it shall have the same meaning as accessory use.

*Addition:* Any construction, which affords only a secondary means of access to abutting property.

*Administrative Official:* The person designated by the City Council to administer the Unified Development Code.

*Adult Daycare Center:* Establishment that provides, on a regular basis, assistance or care for five or more unrelated adults for a period of less than twenty-four hours a day and which receives a payment, fee or grant for the adults attending the facility, whether or not operated at a profit.

*Agriculture:* The use of land for agricultural purposes, including farming, dairying, pasturage agriculture, horticulture, floriculture, viticulture, aquaculture, and animal poultry husbandry and the necessary accessory uses for packing, treating, or storing the produce; provided, however, that the operation of any such accessory uses shall be secondary to that of normal agricultural activities.

*Alley:* A minor public way used for utility easements and vehicular service access to the back or the side of properties abutting a street.

*Antenna Array:* One or more rods, panels, discs or similar devices used for the transmission or reception of radio frequency signals, which may include an omni-directional antenna (rod), a directional antenna (panel) and a parabolic antenna (disc). The Antenna Array does not include the Support Structure.

*Apartment:* A multiple family dwelling (see “Dwelling, Multiple).

*Appurtenance:* An improvement, excluding accessory buildings, detached from the principal structure and located on the same lot. Examples include: TV satellite dishes and swimming pools.

*Area:* Area is the amount of land surface in a lot, plot, or parcel.

*Attached Wireless Communications facility (Attached WCF):* An Antenna Array that is attached to an existing building or structure which shall include, but not be limited to, utility poles, signs, water towers, with any accompanying poles or device which attaches the Antenna Array to the existing building or structure and associated connection cables, and any Equipment Facility which may be located either inside or outside the Attachment Structure.

*Authorized Agent:* A person or persons authorized by the landowner to act in his behalf.

*Automobile Junk or Salvage Yard:* An area outside of a building where motor vehicles are disassembled, dismantled, junked, or “wrecked”, or where inoperable motor vehicles or used parts of motor vehicles are stored.

*Basement:* That portion of a building below the first-floor joists, that may be enclosed for occupancy, with a least half the ceiling height below the dwelling’s average ground level.

*Beacon:* A stationary or revolving light which flashes or projects illumination, single color or multi-colored, in any manner which is intended to attract or divert attention; except, however, this term is not intended to include any kind of lighting device which is required or necessary under the safety regulations described by the Federal Aviation Agency or similar agencies.

*Bed and Breakfast Inn:* An owner-occupied dwelling unit that contains no more than five guest rooms where lodging, with or without meals, is provided for compensation. The operator of the inn shall live on the premises or in adjacent premises.

*Billboard:* An off-premise sign exceeding 6 square feet in area intended for use in outdoor advertising.

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

*Block Front:* All of the property on one side of the street between two intersecting streets or between an intersecting street and the dead end of a street.

*Board of Adjustment:* The local body, created by Ordinance, whose responsibility is to hear appeals from decisions of the Administrative Official and to consider requests for variances.

*Bond:* Security in the form of and limited to a cash deposit, surety bond underwritten by a bonding company licensed to do business in Arkansas, or instrument of irrevocable bank credit in an amount and form satisfactory to the city that can be unilaterally drawn upon by the city for the completion of proposed improvements by a developer.

*Boundary Street:* An existing street abutting on only one (1) side of the parcel of land being subdivided.

*Boundary Street Improvement:* All improvements required by this article in the public right-of- way which abut the subdivision.

**Buildable Area:** The area of that part of the lot not included within the yards or open spaces herein required.

**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. A building is a type of structure. See “Structure” for more information.

**Building, Site Coverage:** The percentage of the lot area covered by the building. The building area shall include all overhanging roofs.

**Building, Façade:** The area of a single building elevation which encompasses all of the elevation from the ground to the top, and from one side to the other side of the building.

**Building, Height Of:** The vertical distance measured from the average elevation of the ground at the front of the building to the highest point of the structure, excluding of chimneys, ventilators, or other extensions above the roof line that are not intended for occupancy or internal usage by persons.

**Building, Main or Principal:** A building that is constructed or intended to be constructed, as the main or principal use of the lot on which said building is located.

**Building, Nonconforming:** An existing building which fails to comply with the regulations (for height, size, area yards and location) set forth in this ordinance applicable to the district in which this building is located.

**Building Permit:** Written permission issued by the Administrative Official for the construction, repair, alteration, or addition to a structure.

**Building Set-back Line:** A line parallel to the street right-of-way at the front of the property and property line at the side and rear of the property which indicates the limit beyond which buildings or structures may not be built. Building set-back requirements apply to all new construction both within and outside of recorded subdivisions.

**Building, Temporary:** Any building not designed to be permanently located at the place where it is or where it is intended to be temporarily placed or affixed.

**Building, Temporary Construction:** A building located at a construction site which serves only as an office until the given construction work is completed.

**Business:** Occupation, employment or enterprise, which occupies time, attention, labor, and materials; or wherein merchandise is exhibited or sold or where services are offered.

**Cemetery:** Land used or intended to be used for the burial of the dead and dedicated for cemetery purposes, including columbarium, crematories, mausoleums, and mortuaries when operated in conjunction with and within the boundaries of such cemetery.

**Certificate of Occupancy and Compliance:** Official certification that a premise conforms to provisions of the Zoning Ordinance, building code, and other city ordinances may be used or occupied.

**Child Care Center:** Any Child Care Facility conducted under public or private auspices on a profit or nonprofit basis providing direct care and protection for minor children. Any facility that is open more than five (5) hours during any 24-hour period or more than a total of ten (10) hours during a

seven (7) day period is considered a Child Care Center and shall be subject to provisions of the Child Care Facility Licensing Act. This definition includes, but is not limited to, a nursery, a nursery school, a registered home day care, a day care family home, or day care center. However, this definition does not include:

- a. Special schools or classes operated solely for religious instruction.
- b. Facilities operated in connection with a church, shopping center, business or establishment where children are cared for not more than five (5) hours during any 24-hour period or more than a total of ten (10) hours during a seven (7) day period.
- c. Educational facilities, whether public or private, which operate solely for educational purposes in grades one (1) or above and does not provide any custodial care.
- d. Kindergartens operated as a part of the public schools of this state.
- e. Any situation, arrangement, or agreement by which one (1) or more persons care for fewer than six (6) children from one (1) family at the same time.
- f. Any recreational facility or program, whether public or private, which operates solely as a place of recreation for minor children, where children are not cared for more than five (5) hours during any 24-hour period or more than a total of ten (10) hours during a seven (7) day period.
- g. Any state-operated facility to house juvenile delinquents or any serious offender program operated by a state designee to house juvenile delinquents, foster home, group home, or custodial institution.

*Child Care Center, Public or Non-profit:* A child care center conducted by a religious institution, school or other non-profit organization and providing direct care and protection for children excepting that this definition does not apply to facilities meeting this definition but operating no more than three weeks at a time, specifically including religious study schools and day camps.

*Child Care Center, Private:* A commercial child care center conducted under private, for-profit, auspices providing direct care and protection for children.

*City:* The City of Lonoke, Arkansas.

*City Attorney, City Clerk, City's engineer:* Any office referred to in this Section by title, i.e., City Attorney, City Clerk, City's engineer, etc., shall be the person so retained in this position by the city, or his duly authorized representative.

*Clinic, Dental or Medical:* A facility for the examination and treatment of ill and afflicted human outpatients; provided, however, that patients are not kept overnight except under emergency conditions.

*Club or Lodge:* A membership organization established for specific purposes, having a charter of by-laws, and operating in other localities in addition to Lonoke.

*Collocation or Site Sharing:* Use of a common WCF or common site by two or more wireless license holders or by one wireless license holder for more than one type of communications technology or placement of a WCF on a structure owned or operated by a utility or other public entity.

*Commercial Message:* Any sign, wording, logo, or other representation that, directly or indirectly, names, advertises, or calls attention to a business, product, service, or other commercial activity.

*Commercial Vehicle:* Heavy machinery equipment, dump trucks, tractor and trailer rigs, either as one unit or separately, vehicles having more than two axles on the road and similar vehicles not ordinarily used for personal transportation.

*Commercial Warehouse:* Space used by one or more parties for the storage of merchandise. Material may be transferred into and out of by owner or other authorized persons.

*Commission:* The Planning Commission of the City of Lonoke.

*Conditional Use:* A use permitted in zones where they are specifically listed as a conditional use. The conditional use is only permitted in a particular zoning district upon review with authorization by the Planning Commission. Special conditions such as site improvements, buffers, ingress and egress controls, number of occupants or employees, hours or days of operation, control of light and noise may be reasonably required to ensure the land use functions with minimal impacts on neighboring properties.

*Condominium:* A building or group of buildings, in which units are owned individually, and the structure, common areas, and facilities area owned by all the owners on a proportional, undivided basis.

*Country Club:* A chartered, non-profit membership club catering primarily to its membership, providing one or more of the following recreational and social activities: golf, swimming, riding, outdoor recreation, club house, locker room, and pro shop.

*County Recorder:* The County Recorder of Lonoke County, Arkansas.

*Cul-de-sac:* A street having one end open to the traffic and being terminated at the other end by a vehicular turnaround.

*CUP:* Conditional Use Permit.

*Day Care Family Home:* A situation, arrangement or agreement by which one or more persons care for eight (8) to sixteen (16) children from more than one family and are cared for in a caregiver's own family home or in some other suitable family type residence.

*Derrick Tower:* A structure constructed of lattice steel and which is entirely self-supporting.

*Design Criteria:* Standards that set forth specific improvement requirements.

*Developer:* See Subdivider.

*District, Zoning:* See Zoning District.

*Drive-in Commercial Uses:* Any retail commercial use providing considerable off-street parking and catering primarily to vehicular trade such as drive-in restaurants, drive-in theaters, and similar uses.

*Dumpster:* Containers of at least five cubic yards in size which are utilized for collection of garbage and other waste materials which are located upon any property, including Commercial Use Property and any combination of Apartment Units.

*Dwelling, or Dwelling Unit:* Any room or group of rooms, including manufactured housing units, located within a structure forming a single habitable unit with facilities which are used or intended to be used for living, sleeping, cooking, eating, and sanitation by one family, but not including house trailers, travel trailers, or house boats.



*Dwelling, Attached:* A dwelling having any portion of one or more walls in common with adjoining dwellings.

*Dwelling, Combination:* Ground floor retail or professional offices with a residence on the second floor. See also “Mixed Uses”

*Dwelling, Detached:* A dwelling having no wall, roof, floor, or other structural element in common with another building.

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

*Dwelling for Resident Security Guard or Caretaker:* A permanent dwelling for a security guard or caretaker employed on the premises of a site. A dwelling for a resident security guard or caretaker does not include Recreational Vehicles (RV) or manufactured homes.

*Dwelling, Single Family:* A detached residence designed for occupancy by one family only, and having a minimum of 500 square feet of living space.

*Dwelling, Two-Family:* A detached residence designed for occupancy by two families, and having a minimum of 500 square feet of living space per family.

*Dwelling, Multi-Family:* A residence designed for occupancy by three or more families, with separate housekeeping and cooking facilities for each.

*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 may be owned by one family.

*Duplex:* (See Dwelling, Two-Family)

*Easement:* A property interest granted to a public utility company, the City, or other public bodies, or the general public for the establishment, use, maintenance or enlargement of specified uses, such as, but not limited to utilities, drainage, and pedestrian or vehicular access. A person may build over a utility easement at his own risk.

*Engineer of Record:* The Professional Engineer who is the contact for and who is responsible for development projects being considered by the City of Lonoke.

*Equipment Facility:* Any structure used to contain ancillary equipment for a WCF, which includes cabinets, shelters, and a build out of an existing structure, pedestals, and other similar structures.

*Exterior Finish:* The final façade covering or treatment of a building or structure being that finish visible from outside the structure.

*FAA:* The Federal Aviation Administration.

*Family:* One or more persons related by blood or marriage, including adopted children; also may

be defined as a group of persons not related by blood or marriage, not to exceed five (5) persons, occupying premises and living as a single non-profit housekeeping unit, as distinguished from a group occupying a boarding or lodging house, hotel, club, or similar dwelling for group use. A family may include domestic servants employed by said family.

*Fast-Food Restaurant:* (See Restaurant, Fast-Food, and Restaurant, Drive-In)

*FCC:* The Federal Communication Commission

*Federal Standards:* The Federal Manufactured Home Construction and Safety Standards promulgated by the United States Department of Housing and Urban Development under the authority of 42 U.S.C. 5401 et seq. as it existed on January 1, 1976.

*Fence:* A wall, hedge, tree, screening, or railing more than 48 inches in height, that forms the boundary to or encloses some area.

*Fence, opaque:* A manmade barrier constructed to provide privacy and visual separation between dissimilar uses. Such fences shall be impervious to rays of visible light.

*Flood Plain:* Flood plain or flood-prone area means any land area susceptible to being inundated by water from any source.

*Flood Insurance Rate Map (FIRM):* An official map of a community, on which the Federal Insurance Administration has delineated both the areas of special flood hazards and the risk premium zones applicable to the community.

*Flood Insurance Rate Study:* The official report provided by the Federal Insurance Administration. The report contains flood profiles, the water surface elevation of the base flood, as well as the Flood Hazard Boundary Floodway Map.

*Floodway:* The channel of a river or other watercourse and the adjacent land areas that must be reserved in order to discharge the 100-year flood without cumulatively increasing the water surface elevation more than one foot at any point.

*Floodway Fringe:* All that land in a flood plain not lying within a delineated floodway. Land within a floodway fringe is subject to inundation by relatively low velocity flows and shallow water depths.

*Floor Area:* The sum of the gross horizontal areas of all of the floors of a building or buildings measured from the exterior faces of exterior walls or from the centerline of walls separating 2 buildings.

*Floor Area, Gross:* The sum of the areas of the several floors of a building, including areas used for human occupancy in basements, attics, and penthouses, as measured from the exterior faces of the walls. It does not include cellars, unenclosed porches, or attics not used for human occupancy, or any floor space in accessory buildings or in the main building intended and designed for the parking of motor vehicles in order to meet the parking requirements of this bylaw, or any such floor space intended and designed for accessory heating and ventilating equipment. It shall include the horizontal area at each floor level devoted to stairwells and elevator shafts.

*Frontage:* The front or frontage is that side of a lot abutting on a street or way and ordinarily regarded as the front of the lot, but it shall not be considered as the ordinary sideline of a corner lot.

*Front of Building:* That facade of the building that abuts the required front yard as stipulated in this

Zoning Code. The entrance door does not have to be in this facade.

*FTA:* The Federal Telecommunications Act of 1996.

*Garage, Apartment:* A dwelling unit for one family located on the second floor situated over a vehicular garage.

*Garage, Private:* An accessory building or a part of a main building used for storage purposes only for automobiles used solely by the occupants and their guests of the building to which it is accessory and not for commercial repair use.

*Garage, Public or Repair:* A building in which are provided facilities for the care, servicing, repair, or equipping of automobiles.

*Gasoline or Service Station:* Any building, structure, or land used primarily for the dispensing, sale of fuels, oils, accessories, or maintenance and repair services.

*General Plan:* The official statement reflecting the objectives, policies, and ambitions of the community regarding future physical growth. The plan serves as a guide for making land use changes, preparation of implementing ordinances (zoning, platting), preparation of capital improvement programs and the rate, timing and location of future growth. The Plan reflects the general location for various land uses, major streets, parks, public buildings, zoning districts and other public improvements. The General Plan shall be hereinafter called the Plan.

*Guest House or Domestic Employee Quarters:* Any apartment or other separate building used for family members, non-permanent visitors, or domestic employees that pay no rent.

*Guy-Wired Tower:* A structure constructed of lattice steel and which is supported by guy-wires extending at angles from the structure to ground anchors.

*Halfway House:* A licensed home for inmates on release from more restrictive custodial confinement or initially placed in lieu of such more restrictive custodial confinement, wherein supervision, rehabilitation, and counseling are provided to mainstream residents back into society, enabling them to live independently. Such placement is pursuant to the authority of the State Department of Corrections.

*Height:* When referring to a WCF, height shall mean the distance measured from ground level to the highest point on the WCF, including the Antenna Array.

*Highways, Roads, & Streets:* A dedicated public right-of-way which provides vehicular and pedestrian access to adjacent properties.

*Home Occupation:* Any occupation or profession carried on solely by the occupant of the dwelling and which is clearly incidental and secondary to the use of the premises for dwelling purposes. The operation of a tea room or restaurant, rest home, clinic, doctor or dentist office, child care center, tourist home, or cabinet, metal, or auto repair shop shall not be deemed a home occupation.

*Hospital:* An institution providing health services primarily for human in-patient or medical or surgical care for the sick or injured, and including the related facilities such as laboratories, out-patient departments, training facilities, central service facilities and staff offices which are integral parts of the facilities.

*Hotel:* A building or part thereof occupied as a more or less temporary abiding place for individuals in which the rooms are usually occupied singularly for hire and in which rooms no provisions for

cooking is made, and in which building there is usually a kitchen and public dining room for the accommodation of the guests. This definition does not include an auto or trailer court or camp, sanatorium, hospital asylum, orphanage, or building where persons are housed under restraint.

*Illumination, Direct:* Illumination that is so arranged that the light is directed into the eyes of the viewer from the light source.

*Illumination, Indirect:* Illumination that is so arranged that the light is reflected from the sign to the eyes of the viewer.

*Illumination, Spot Light:* Illumination that comes from lamps, lenses, or devices designed to focus or concentrate the light rays of the source.

*Improvements:* Street grading and surfacing, curbs and gutters, water mains and lines, sanitary and storm sewers, culverts and bridges, and other utilities and related items.

*Incidental Subdivisions:* Lot splits, minor subdivisions, lot recombinations, replats, or one-lot subdivisions.

*In-lieu Contribution:* A cash contribution for required boundary street improvements instead of immediate construction.

*Kennel:* Any lot or premises in which four or more dogs, more than six months of age are kept for personal use or boarding.

*Landscaping:* A combination of living plants (such as grass, ground cover, shrubs, vines, hedges, or trees) and man-living materials (such as, rocks, pebbles, sand, mulch, walls, fences or decorative paving materials) arranged or preserved in such a way to produce a scenic setting.

*Loading Space (off street):* An unobstructed, hard surface area located on public right-of-way and the use of which is for the standing, loading or unloading of trucks and trailers.

*Lot:* A parcel of land occupied or indented for occupancy by a use permitted in this Code including one main building together with its accessory building, and the open spaces and parking spaces required by this Code, and having its principal frontage upon the street.

*Lot of Record:* A lot or parcel of land, the deed to which has been recorded in the office of the County Recorder of Leno County prior to the adoption of this Code.

*Lot, Area:* The total horizontal area included within legally defined lines enclosing the lot. *Lot, Corner:* A lot located at the intersection of and abutting on two (2) or more streets.

*Lot Coverage:* The percentage of lot area occupied by the principal and accessory buildings on such lot.

*Lot Depth:* The mean horizontal distance between the front lot line and the rear lot line, or the distance between the midpoint of the front lot line and the midpoint of the rear lot line.

*Lot, Double Frontage:* A lot that is an interior lot extending from one street to another and abutting a street on two ends. (mainly front and back yards.)

*Lot Flag:* The same as an interior lot except there is only driveway access to a street. No substantial street frontage is present, also referred to as a "pipe-stem lot."

*Lot Interior:* A lot other than a corner lot, which is flanked by other lots and has only one street

frontage.

*Lot Lines:* The lines bounding a lot as defined herein.

*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. In triangular or odd-shaped lots, as defined by the Planning Commission.

*Lot, Reverse Frontage:* A double frontage lot which is designed to be developed with the rear yard abutting a major street and with the primary means of ingress and egress provided on a minor street.

*Lot Split:* A subdivision which involves the dividing or re-dividing of a land area within any recorded subdivision, and which does not involve the dedicating, vacating, widening, narrowing or change of alignment of any thoroughfare, street, alley, or easement.

*Lot Line, Side:* Any lot line other than a front or rear lot line as defined herein. *Lot Width:* The width of a lot measured at the front building setback line.

*Mansard Roof:* Any roof that has an angle greater than 45 degrees and which derives part of its support from the building wall and is attached to, but not necessarily a part of a low slope roof and which extends along the full length of a side building wall of  $\frac{3}{4}$  of the length of a side building wall. For purposes of this Code, a low slope roof shall mean any roof with a pitch less than 3 inches rise per 12 inches horizontal.

*Manufactured Home:* A dwelling unit constructed in a factory in accordance with the federal standards, and meeting the definitions set forth in the federal standards and under Arkansas Code §20-25-102.

*Manufactured Home Park:* Land or property containing a minimum of 3 acres which is used or intended to be used or rented for occupancy by manufactured homes or movable sleeping quarters of any kind.

*Manufactured Home Space:* A space means ground within a mobile home park designed of the accommodation of one manufactured home.

*Master Street Plan:* The official street plan for the city.

*Metes and Bounds Description:* A portion of land not in a platted subdivision which is described by bearings and distances.

*Minor Subdivision:* A subdivision or replat of a subdivision involving ten lots or less, and in which no streets or easements are required, no waivers are requested, and the subdivision is not part of a larger tract to be developed in phases

*Mobile Home:* A dwelling unit constructed in a factory before the enactment of the federal standards.

*Modular Home:* A standardized unit other than a Manufactured Home, as defined above, which is manufactured off-site, assembled at the building site, and which meets the city's building codes.

*Monopole Tower:* A supporting structure composed of a solid pole without any guy-wired support.

*Motel:* A motel or motor court is a business consisting of a building or group of buildings so arranged as to furnish overnight accommodations for transient guests.

*Multi-Family Development:* A residential structure, or group of structures, of three or more dwelling units on one lot, including, but not limited to single family dwellings, duplexes, multi-family dwellings, apartment houses and condominiums.

*Non-Commercial Message:* Any sign wording, logo, or other representation that does not directly or indirectly name, advertise, or call attention to a business, product, service, or other commercial activity. Non-commercial signs include, but are not limited to signs expressing a political or religious view and signs of nonprofit organizations related to their tax-exempt purposes.

*Non-conforming Structure:* Any building or structure lawfully existing on the effective date of this ordinance, as amended, which does not comply with all of the regulations of this ordinance for governing parking, or bulk and area requirement for the zoning district in which such use is located.

*Non-conforming Use:* Any building or land lawfully occupied by a use at the time of passage of this Code which does not conform with the use or area regulations of the district within which it is located.

*Nursing Home:* Any premises where more than three persons are lodged and furnished with meals and nursing care.

*Occupied Space:* The square feet within a structure that is occupied by patrons, visitors, employees, and shoppers, waiting rooms, patient treatment areas, and areas for exercise and recreation that are enclosed. Display areas, retail space, material assembly areas, meeting rooms and lodging accommodations will be included. Specifically excluded from occupied space will be storage areas and unimproved enclosed building space primary for products, materials, and supplies where employees are not permanently assigned. Occupied space in a motel or hotel will be 70% of the total square footage.

*Off-site:* A circumstance whereby a tract of land is physically separated from another by the intervention of a public street, alley or an unrelated ownership.

*One-half Street Section:* The area to the legal centerline of the required roadway. Where a clearly defined right-of-way does not exist, the Department of Engineering Services shall establish the centerline location.

*Opaque:* As applies to a fence or screen required in this ordinance means, a fence or screen that blocks vision.

*Open Space, Lot and Parcel:* Shall mean a yard, court or the space between two buildings or between a building and the boundary line of a parcel not developed or improved.

*Park:* An area that is open to the general public and reserved for recreational, educational, cultural, or aesthetic use.

*Parking Lot:* An off-street facility including parking spaces and drives and aisles for maneuvering, and providing access and for entrance and exit, developed in a way to accommodate the parking of automobiles.

*Parking Lot, Private:* A parking area for the exclusive use of the owners, tenants, lessees, or occupants of the lots on which the parking area is located or their customers, employees, or whomever else they permit to use the parking area.

*Parking Lot, Public:* A parking area available to the public, with or without payment of a fee.

*Parking Space:* An off-street space available for the parking of one motor vehicle.

*Pavement Width:* The portion of a street available for vehicular traffic, where curbs are laid, as measured from back of curb to back of curb.

*Permitted Use:* A use which is specifically authorized in a particular zoning district.

*Pipe-stem lot:* See “Flag Lot.”

*Place of Worship:* An institution that people regularly attend to participate in or hold religious services, meetings, and other activities. The term “church” shall not carry a secular connotation and shall include buildings in which the religious services of any denomination are held.

*Plan, Final:* A fully dimensioned drawing which illustrates in detail all elements of a development proposal including, but not limited to, property lines, streets, easements, structural elements, and landscaping. A final plan is prepared by a registered land surveyor, or architect or engineer or a disciplinary team of these professionals. A final plan further contains proper certification for accuracy and will be recorded by the county clerk.

*Plan, Preliminary:* A fully dimensioned drawing which illustrates in detail all elements of a development proposal. A preliminary plan is prepared by a registered land surveyor, architect or engineer and will only be changed by approval of the city.

*Planned Unit Development (PUD):* A development of land that is under unified control and is planned and developed as a whole in a single development operation or programmed series of development stages. The development may include streets, circulation ways, utilities, buildings, open spaces, and other site features and improvements.

*Planning Commission:* The public agency created by Ordinance empowered to prepare a comprehensive plan and evaluate changes in land use for conformance with the plan.

*Plat:* A map or drawing and accompanying material indicating the layout and design of a proposed subdivision or lot-split prepared by a developer for consideration and approval by the planning board. Such plats may be the sketch plat, the preliminary plat, or the final plat.

*Plat, Preliminary:* Any plat of lot, tract, or parcel of land that is not to be recorded, but is only a proposed division of and that is presented only for review and study by the city; to provide the basis for installing site improvements and utilities, and for dedicating and/or reserving land for public use; and the approval of which authorizes the developer to begin the construction of improvements.

*Plat, Final:* Any plat of any lot, tract, or parcel of land requested to be recorded in the deed and plat records of the County Recorder; which has been certified by a Professional Land Surveyor, and which is signed by the Planning Commission chairman, and which serves as an “as built” record of the subdivision.

*Portable Sign:* Any sign that is moveable, portable, capable of or intended to be moveable or portable. Also, a sign which is not permanently secured in or on the surface upon which it rests or a sign erected on a frame, platform, trailer, or other portable or moveable structure. Includes signs non-illuminated, illuminated, or capable of being illuminated. The sign area shall not exceed 32 square feet.

*Principal Use:* The specific primary purpose for which land, building, or structure is used or intended

to be used.

*Professional Engineer:* A person who has been duly registered or licensed as a professional engineer by the State Board of Registration for Professional Engineers and Land Surveyors.

*Professional Land Surveyor:* Any person engaged in the practice of land surveying as defined in this section and who is licensed by the State Board of Registration for Professional Engineers and Land Surveyors.

*Professional Office:* A building or structure where no on-premise stock of goods for sale to the general public are maintained (incidental sales of supplied may be allowed) and the operations and services of which are generally of a personal, medical, financial, or legal nature, including, but no limited to, doctors, lawyers, photographers, barbers or beauticians, engineers, or public service companies.

*Property Line:* The legal boundary of a lot that locates the lot by word description, and physically on the ground.

*Provider:* An entity providing wireless communication services through one or more antenna arrays located on a wireless communications tower.

*Public Assembly:* A space, room, or structure designed or used for occupancy by 20 or more persons who are gathered for a non-commercial purpose. Clubs, lodges, halls, and churches are places of public assembly.

*Public Utility:* Any person, firm, corporation, municipal department, or board, duly authorized to furnish and furnishing under regulations to the public, electricity, gas, telephone, television cable, telegraph, transportation, drainage, water, or sanitary sewage.

*Radio Tower, Commercial:* A commercial communication tower not covered under the Telecommunications Act of 1996.

*Radio Tower, Private:* A radio or TV tower that is attached to a residence(s) for home or amateur use, and not covered under the Telecommunications Act of 1996.

*Reclassification:* An amendment to or a change in the zoning ordinance reflecting a change or revision or modification of the zoning district boundary map.

*Recreational Vehicle (RV):* Self-propelled or towed temporary living quarters equipped with minimum of bed, sanitation, bath and cooking facilities.

*Replanning:* The re-subdivision of any part of previously platted subdivision, addition, lot, or tract.

*Residence:* A building or part of a building containing one or more dwelling units but not including:

- a. Such transient accommodations as transient hotels, motels, tourist homes, dormitories or similar establishments.
- b. Nurses' residences, sanitariums, nursing homes, convalescent homes, rest homes, or other sleeping or living accommodations.

*Residential Home Day Care:* A situation in which the resident of a home cares for seven (7) children or less.

*Restaurant:* A business establishment whose principal business is the selling of unpackaged food to the customer in a ready-to-consume state, in individual servings, or in non-disposable containers,



and where the customer consumes these foods while seated at tables or counters located within the building.

*Restaurant, Drive-In:* An establishment that delivers prepared food and/or beverages to customers in motor vehicles, regardless of whether or not it also serves prepared food and/or beverages to customers who are not in motor vehicles, for consumption either on or off the premises.

*Restaurant, Fast Food:* Any establishment whose principal business is the sale of foods, frozen desserts, or beverages in ready-to-consume individual servings, for consumption either within the restaurant building or for carry-out, and where either: 1) foods, frozen desserts, or beverages are usually served in paper, plastic, or other disposable containers, and where customers are not served their food, frozen desserts, or beverages by a restaurant employee at the same table or counter where the items are consumed; or 2) the establishment includes a drive-up or drive-through service facility or offers curbside service.

*Retail use (open display):* A use in which items are typically placed for public sale in open air display, including, but not limited to souvenir shops, novelty shops, t-shirt shops, and lawn-mower shops.

*Retirement Center:* A multi-family development intended for use by retired persons and not open for rental or sale to the general public.

*Rezoning:* An amendment to or a change in the zoning ordinance, which may be:

- a. A comprehensive revision or modification of the zoning text and map;
- b. A text change in zone requirements; or
- c. A change in the zoning designation of a particular parcel or parcels on the map.

*Right-of-Way:* A strip of land occupied or intended to be occupied by a street, crosswalk, railroad, electric transmission line, oil or gas pipeline, water main, sanitary or storm sewer main, shade trees, or other Conditional use.

*Right-of-Way Dedication:* The dedication to the city of sufficient right-of-way as required by the most recently adopted Master Street Plan. Right-of-Way Dedication for Boundary Streets shall apply to the One-Half Street Section abutting a proposed subdivision or development.

*Satellite Receiving Antenna:* A dish shaped antenna that is the visible component of a satellite earth station. It is a broadcast receiver that allows the reception of television and other signals direct from a satellite.

*School:* A facility that provides a curriculum of elementary and secondary academic instruction, including kindergartens, elementary schools, junior high schools, and high schools.

*Self-Storage:* A structure containing separate, individual, and private storage spaces of varying sizes leased or rented on individual leases for varying periods of time.

*Service Station:* (See Gasoline Service Station)

*Setback:* The minimum horizontal distance between a street right-of-way property line and the nearest wall of a building or side of a structure facing such right-of-way line, or the edge of the area of operation of a principal use when no building or structure is involved. When referring to a WCF, setback means the required distance from the WCF to the property lines of the parcel on which the WCF is located.

*Shopping Center:* Two or more retail stores and/or service establishments, or one retail store and

one service establishment, sharing customer-parking areas, regardless of whether said stores and/or service establishments occupy separate structures or are under separate ownership.

*Sign:* Any outdoor device, figure, painting, message, poster, or other structure which is designed or intended to advertise or inform the public of an establishment, goods, or service.

*Sign Area:* The area within a line including the outer extremities of all letters, figures, characters, and delineations, or within a line including the outer extremities of the framework or background of the sign, whichever line includes the larger area. The support for the sign background, whether it is columns, a pylon, or a building or part thereof, shall not be included in the sign area.

*Sign, Area Identification:* A sign to identify a common area containing a group of structures, or a single structure on a minimum site of 5 acres, such as a residential subdivision, apartment complex, industrial park, manufactured home park, or shopping center, located at the entrance or entrances of the area, and consisting of a fence or wall or archway with letters or symbols affixed thereto.

*Sign, Banner-style:* Any sign printed or displayed upon cloth or other flexible material, with or without frames.

*Sign, Balloon:* A type of temporary sign that floats and is designed to resemble a balloon, blimp, dirigible, hot air device or other flying object tethered to the ground.

*Sign, Building Marker:* Any sign indicating the name of a building and date and incidental information about its construction, which sign is cut into a masonry surface or made of bronze or other permanent material.

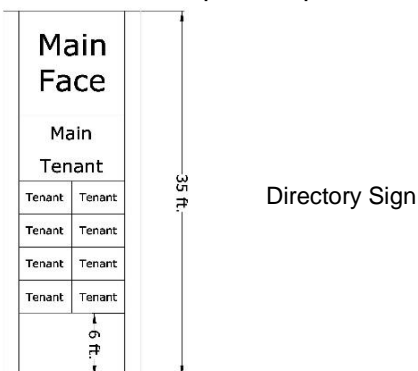
*Sign, Bulletin Board:* A sign portraying a non-commercial message for the purpose of announcing an event to be held on the same premises upon which the sign is placed.

*Sign, Canopy:* A sign attached to the underside of a canopy.

*Sign, Construction:* A temporary sign erected on the premises where construction is taking place, during the period of such construction, indicating the names of the architects, engineers, landscape architects, contractors, or similar artisans, and the owners, financial supporters, sponsors, and similar individuals or firms having a role or interest with respect to the structure or project.

*Sign, Directional:* Signs directing or informing of public or quasi-public nature (church, school, library, hospital, tourist attraction, civic or service clubs).

*Sign, Directory:* A free standing sign, usually of ladder construction, listing the tenants or occupants of a building or group of buildings, name of the building or group or buildings, and that may also indicate their respective professions or business activities.

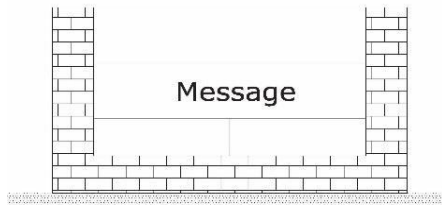


*Sign, Flashing:* Any directly or indirectly illuminated sign that exhibits changing natural or artificial light or color effects by any means whatsoever.

*Sign, Freestanding:* Any non-movable sign not affixed to a building.

*Sign, Ghost:* A sign of historic nature and character painted on the side of a building. These signs generally serve no current purpose with regards to commercial or noncommercial advertising.

*Sign, Ground Mounted:* A freestanding sign, other than a pole sign, in which the entire bottom is in contact with or is close to the ground.



Ground Mounted Sign

*Sign, Height:* The vertical distance from the highest point of the sign or structure to the grade of adjacent street or surface grade beneath the sign, whichever grade is lower.

*Sign, Identification:* A sign that serves as an identification for a person or business operating on the premises where the sign is located. Such sign may name the person, organization or business, but shall not portray any other commercial or non-commercial message.

*Sign, Illuminated:* A sign designed to give forth any artificial light or reflect such light from an artificial source.

*Sign, Incidental:* A sign, generally informational, that has a purpose secondary to the use of the zone lot on which it is located, such as "no parking," "entrance," "loading only," "telephone," and other similar directives.

*Sign, Ladder:* See Sign, Directory.

*Sign, Nonconforming:* Any sign which is not permitted within the district in which it is located.

*Sign, Off-premise:* Any sign displaying commercial speech which directs attention to a business, commodity, service, or entertainment conducted, sold, or offered at a location other than the premises on which the sign is located.

*Sign, Pole:* A sign that is mounted on a freestanding pole or other support so that the bottom edge of the sign face is 6 feet or more above grade.

*Sign, Political:* Temporary sign erected on private property within the City for the purpose of political campaigning regarding a designated election.

*Sign, Portable:* Any sign which is movable, portable, or designed to be portable which is in the shape of an "A" frame, panel, or mounted on wheels or legs of any kind, whether or not permanently affixed to the ground or buildings. Portable signs include movable "reader board" signs which are signs in which the advertising is accomplished by digitally active electrical lettering.

*Sign, Projecting:* A sign which projects from and is supported by a wall of a building and does not

extend beyond, into, or over the street right-of-way.

*Sign, Public:* A sign erected by or on behalf of a governmental body to post a legal notice, identify public property, convey public information or to direct or regulate pedestrian or vehicular traffic.

*Sign, Real Estate:* Signs advertising a specific property for sale, rent, or lease.

*Sign, Residential:* Any sign located in a district zoned for residential uses that contains no commercial message except such sign may contain a representation advertising the sale or lease of the residential premises.

*Sign, Roof:* A sign that is mounted on the roof of a building or that is wholly dependent upon a building for support and that projects above the top edge or roof line of a building with a flat roof, the eave line of a building with a gambrel, gable, or hip roof, or the deck line of a building with a mansard roof.

*Sign, Special Event:* Temporary signs describing an event of public interest (fair, trade, show, auctions, etc.)

*Sign, Temporary:* A sign not constructed or intended for long-term use, and not permanently attached to the ground, a building, or structure. Temporary signs shall include all signs made of non-durable material, including but not limited to cloth, canvas, paper, cardboard, flexible vinyl, nylon, tarpaulin or like material, coated paper or canvas, or organic material. See also: "Balloon Sign."

*Sign, Wall:* Any sign that shall be affixed parallel to the wall or printed on the wall of any building in such a manner as to read parallel to the wall on which it is mounted; provided, however, said wall sign shall not project above the top of the wall or beyond the end of the building. For the purpose of this Code, any sign display surface that is affixed flat against the sloping surface of a mansard roof shall be considered a wall sign. Any sign that is affixed to the face of a building marquee, building awning, or a building canopy, shall be considered a wall sign.

*Site Plan:* A plan, to scale, showing uses and structures proposed for a parcel of land, including lot lines, streets, building sites, reserved open space, buildings, landscape features, and location of proposed utilities lines.

*Site Plan Review:* The process whereby the Planning Commission or staff reviews the site plans and maps of a developer to assure that they meet the stated purposes and standards of this code, provide for the necessary public facilities, and protect and preserve topographical features and adjacent properties through appropriate siting of structures and landscaping.

*Stealth Technology:* Systems, components and materials used in the construction of the WCF, which are designed to mask or conceal the WCF to make it compatible with the surrounding property.

*Stick-Built Conventional Home:* A detached single-family dwelling that is principally constructed at the site from standard building materials and that meet or exceed the building codes of a city.

*Storage, Mini:* A building or group of buildings designed to contain multiple storage compartments for use by individuals on a short-term or long-term basis.

*Storm Cellar:* An accessory structure designed and used for the purpose of taking refuge from the inclement weather or other pending disaster.

*Storm Shelter:* Storm shelters are not regulated by this Code.

*Story:* That portion of a building, other than a basement, included between the surface of any floor and the surface of the floor next above it or, if there is not floor above it, the space between the floor and ceiling next above it. A half story is a partial story under a gable, hip, or gambrel roof, the wall plates of which on at least two opposite exterior walls are not more than 4 feet above the floor of each story.

*Street:* Any public or private thoroughfare that affords the principal means of access to abutting property.

*Street, Dead-end:* A street, similar to a cul-de-sac, but providing no turnaround at its closed end.

*Street Right-of-Way Width:* The shortest distance between the lines, which delineate the right-of-way of a street. It runs from abutting property line to abutting property line.

*Street, Collector:* A street, which is continuous through several residential and/or commercial areas and is intended as a connecting street between residential areas and arterial or business areas.

*Street, Local:* A street which is intended primarily to serve traffic within a limited commercial area, and which is not necessarily continuous through several areas.

*Street, Arterial:* The principal traffic thoroughfares continuous across the city, which are intended to connect distant parts of the city or those adjacent thereto, and act as principal connecting streets with State and Federal highways. Each arterial street shall be designated on the Master Street Plan of the city.

*Structure or Building:* Anything constructed or erected, the use of which requires a fixed location on the ground or attached to something having a fixed location on the ground. Among other things, structures include buildings, manufactured homes, walls, fences, billboards and poster panels.

*Structure, Multi-family:* Any structure having at least one common roof, common wall, party wall, common air conditioning system, common electrical system, common plumbing system, or common stairway, designed to house or provide residential quarters for three or more families or households.

*Structural Alterations:* Any change in the supporting members of a building, such as bearing walls or partitions, columns, beams, or girders, or any substantial change in the roof or in the exterior walls.

*Subdivider:* A person, firm or corporation undertaking to develop a subdivision as defined in these regulations.

*Subdivision:* The division of a parcel of land into two (2) or more lots or parcels for the purpose of transfer of ownership or building development.

*Support Structure:* A wireless communication structure designed and constructed specifically to support an Antenna Array, and may include a monopole, guy-wire support tower, or derrick tower. Any device used to fasten an Attached WCF to an existing building or structure shall be excluded from the definition of and regulations applicable to Support Structures.

*Swimming pool:* A water-filled enclosure, permanently constructed or portable, having a depth of more than eighteen inches below the level of surrounding land, or an above-surface pool, having a depth of more than thirty inches, designed, used, and maintained for swimming.

*Tower Use Permit (TUP):* A permit issued by the City specifically for the location, construction and use of a WCF subject to an approved site plan and special conditions determined by the Planning

Commission and City Council to be appropriate under the provisions of this Article.

*Truck Stop:* Any retail establishment that is greater than 3,500 square feet in gross floor area which offers for sale prepackaged food products, household items, newspapers and magazines, and sandwiches and other freshly prepared foods, such as salads, for off-site consumption. For establishments 3,500 square feet or less see "Convenience Store".

*Use:* A purpose to which land is committed.

*Unit:* A dwelling designed to be occupied by one family. Use: A purpose to which land is committed.

*Variance:* Administrative relief from the literal provisions of this Code when, because of particular physical surroundings, shape or topographical condition of the property, compliance would result in a particular hardship upon the owner, as distinguished from a mere inconvenience.

*Visual obstruction:* Any fence, wall, tree, hedge or shrub, or a combination of them which limits visibility. Such obstructions are prohibited at corners to assure good visibility for motorist.

*Wall:* An upright structure of masonry, wood, plaster, or other building materials serving to enclose, divide, or protect an area.

*Warehousing:* For building code purposes, warehouse space used in connection with and on the same premises as wholesale or retail operation is considered storage space.

*Wireless Communications:* Any personal wireless service as defined in the Telecommunications Act of 1996, which includes FCC-licensed commercial wireless communications services including cellular, personal communication services (PCS), specialized mobile radio (SMR), enhanced specialized mobile radio (ESMR), paging, and similar services that currently exist or that may in the future be developed.

*Wireless Communication Facility (WCF) or Tower:* Any unstaffed facility covered under the Telecommunications Act of 1996 used for the transmission or reception of wireless telecommunications services, usually consisting of an Antenna Array, connection cables, an Equipment Facility, and a Support Structure to achieve the necessary elevation.

*Wires, Overhead:* All wires suspended above ground by a utility or other entity so that clearances mandated by current editions of the National Electric Safety Code, the National Electric Code, and other state and local regulations must be maintained.

*Yard:* The open space between the lot line and the main building line.

*Yard Exterior:* Any yard which is adjacent or parallel to a public or private right of way or designated floodway, as specified on the flood insurance rate maps.

*Yard, Front:* The required area of open space extending across the full width of the lot, the depth of which shall be the least distance between the front lot line and the nearest point of the main building as measured from the exterior face of the building foundation, or of any open, unenclosed porch or paved terrace. On corner lots the front yard shall be considered as parallel to the street upon which the lot has its lease dimension.

*Yard, Interior:* Any yard which does not run adjacent or parallel to a public or private right-of-way or a designated floodway.

*Yard, Rear:* The minimum allowable horizontal distance between the rear lot line and the main

building, extending across the rear of the lot between the side lot lines. Neither the main building nor any projection thereof other than steps, unenclosed porches, or entranceways may extend into the required rear yard.

*Yard, Side:* The required area of open space between the main building and the side lot line, extending from the front yard or front lot line where no front yard is required, to the rear yard, the width of which shall be the least distance between the side lot line and the nearest point of the main building.

*Zoning District:* An area of land designated in the zoning ordinance in which requirements for the use of land and building and development standards are prescribed.

*Zoning District Boundary:* That boundary line which separates unlike zoning districts.

*Zoning Lot:* A parcel of land that is designated by its owner or authorized agent as a tract, all of which is to be used, developed or built upon as a unit under a single ownership. A zoning lot may consist of any standard lot or a combination of a lot and any legally recorded portion of a lot that existed prior to the passage of this ordinance. When determining the front, rear and side yard setbacks for a zoning lot, the required distance shall be measured from the exterior boundaries of the zoning lot.