GRAVETTE UNIFIED DEVELOPMENT CODE

ORDINANCE # 2026-20

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ARTICLE 1 GENERAL

SECTION 1.1. TITLE AND PURPOSE

1.1.1. Citation

This Code shall be known as the Gravette 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 Gravette. Further, the code promotes, in accordance with present and future needs: the safety, order, convenience, prosperity, and general welfare of the citizens of Gravette. 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 would like 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 Gravette, Arkansas. This map is filed with the City Clerk as well as with the Benton 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 zoning, development, and subdivision regulations, known as the Gravette Unified Development code, apply to corporate limits of the Gravette and to any property within the Planning Area as allowed by law. Those portions dealing with zoning apply only within the corporate limits of Gravette. 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 Gravette 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 Gravette, Arkansas.

ARTICLE 2 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 4.3
Variance	Section 4.12
Conditional Use Permit	Section 4.9
Planned Unit Development (PUD) / Planned Zoning District	Section 4.7
Sign Permit	Section 4.13
Major Subdivision Preliminary Plat	Section 5.4, 5.7
Major Subdivision Final Plat	Section 5.4, 5.9
Minor Subdivision Plat	Section 5.4, 5.6
Large Scale Development	Section 5.4, 5.13
Small Site Plan	Section 5.4, 5.14
Easement Plat	Section 5.15
Stormwater and Grading Plan	Section 5.17

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 zoning amendment requests, Conditional Use Permits, Planning Commission decision appeals, and revisions/amendments to the Comprehensive Plan and its supporting regulations (most commonly amendments to this code or other development-related codes). Public Hearings shall be held for any other items in accordance with state statutes.

2.3.2. Amendments

Amendments to the plan, this or other development related codes, or requests for zoning map amendments 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 (or as required by state statute).

2.3.3. Board of Adjustment

Each session of the Board shall be a public meeting with public notice of the meeting and business to be carried on published in a newspaper of general circulation in the city, at least one (1) time seven (7) days prior to the meeting.

2.3.4. Meetings

The Planning Commission shall notice and conduct all meetings in accordance with state statutes and with the Commission's 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. At a minimum, however, the appeal applicant shall provide the following information:

1) All appeals shall be submitted in writing referencing the applicable UDC section(s) and setting out the reasons the applicant contends the decision was in error.
2) Summary of any reasons provided by the Planning Commission at the meeting concerning the decision made in the case.

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 appellant and other directly relevant parties of the time and place of the 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 Gravette. The planning department will advertise this appeal request and notice of public hearing.

Notice of such hearing shall be posted by the planning department with a sign on the property involved by the applicant at least fifteen (15) days prior to 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 appellant, project applicant and any other directly 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 may remand the case back to the Planning Commission for reconsideration if they see fit. 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/Planned Zoning District: Due to the nature of a PUD/PZD, a customize phasing master plan and implementation timeline may be approved as part of the PUD/PZD process.

Unless otherwise specified in the PUD/PZD approval process, approvals shall expire within one-year if construction has not started and within three years if construction has not been completed. The applicant may request one (1) three-month extension from the Administrative Official. One (1) additional three-month extension may be requested from the Planning Commission.

(d) Preliminary Plat: Approvals shall expire within one-year if construction has not commenced. The applicant may request one (1) three-month extension from the Administrative Official. One (1) additional three-month extension may be requested from the Planning Commission.

(e) Preliminary LSD Plan: Approvals shall expire within one-year if construction has not commenced. The applicant may request one (1) three-month extension from the Administrative Official. One (1) additional three-month extension may be requested from the Planning Commission.

(f) Waivers: Waivers shall expire in the event that the Preliminary Plat or LSD Plan for which they were granted, expire.

(g) Building Permits: Building permits shall expire within 6 months if construction has not commenced and within two years if construction has not been completed. One (1) three-month extension may be granted by the Building inspector for both the start time and completion date.

(h) Construction Plan: Construction plan approvals shall expire within 6 months if grading has not commenced, or for a project with no grading, a building permit has not been obtained.

(i) Grading Plan: Grading plan approvals shall expire within 6 months if grading has not commenced.

(j) Variance:

(1) 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. The applicant may request one (1) three-month extension from the Administrative Official. One (1) additional three-month extension may be requested from the Planning Commission.

(2) Where no building or construction is involved, approvals shall expire within six (6) months if the activity requiring the variance has not commenced.

(k) Completeness Check: In compliance with state regulations, staff shall complete a "Completeness Check" within three (3) days for all applications. The Completeness Check shall consist of:
(1) The application meeting the minimum submittal requirements for the specific application type,
(2) Payment of all required fees.

(l) If all deficiencies identified in the Completeness Check are not completed within sixty (60) days of notification, the application is deemed withdrawn by the applicant and removed from further action.

SECTION 2.6. FEES

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

2.6.1. Applicability, Further Charges Authorized.

For all types of Subdivision Plats, variances, waivers, Conditional Use Permits, re-zonings, Planned Unit Developments annexations, grading permits, Large Scale Developments, Site Plans, and Floodplain Permits the non-refundable submittal fee (adopted for that specific process) shall cover initial review of the development/proposal by the City and its contract planning or engineering staff. In the event that review beyond the initial City planning or engineering review fees exceed the initial application fee submittal amount, the owners and/or

developers shall reimburse the City of Gravette for all additional expenses incurred throughout the review and construction process. All fee reimbursement to the City by the owner/applicant must be received by the City prior to the issuance of final approval by the City.

ARTICLE 3 ADMINISTRATION AND ENFORCEMENT

SECTION 3.1. ADMINISTRATIVE OFFICIAL

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

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

(1) 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.

(2) Issue all zoning approvals and certificates of occupancy and keep permanent records of them.

(3) Conduct inspections of buildings, structures, and use of land as is necessary to determine compliance with the regulations of this Code.

(4) Revoke approvals where provisions of this Code are being violated.

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.

SECTION 3.3. ENFORCEMENT

3.3.1. Complaints

All complaints of violations of the UDC may be submitted in writing to the administrative official and shall state the location and the nature of the alleged violation. Upon receipt, the alleged violation shall be investigated, and appropriate action taken.

3.3.2. Right of Entry and Inspection

(a) Physical Alteration of Land. In applying for a grading permit or other City permit which authorizes the alteration of land, the applicant shall be deemed to have consented to an inspection to determine whether construction is proceeding according to the grading plan or other applicable permit.

3.3.3. Liability

(a) Owner of Record. The owner of record of any real property or appurtenance thereto, who participates in, assists, directs, creates, or maintains any situation in violation of the UDC may be held liable for the penalties or remedies ascribed herein.

(b) Others. Tenants, occupants, architects, builders, contractors, agents or other persons, who participate in, assist, direct, create, or maintain any situation in violation of the UDC may be held liable for the penalties or remedies ascribed herein.

3.3.4. Notice of Violation

(a) *Content.* When an owner or other person participates in, assists, directs, creates, or maintains any situation in violation of the UDC, a notice of violation shall immediately be issued to the person liable and shall contain the following:

(1) The name of person liable (owner of record or others).
(2) The street address, when available, or a description of the building, structure, or land where the violation is occurring.
(3) A statement specifying the nature of the violation.
(4) A description of the remedial actions necessary to bring the development activity into compliance with the UDC, and a time schedule for the completion of such remedial actions.
(5) A statement of the penalty, or penalties that shall or may be assessed against the person(s) to whom the notice is directed.
(6) A statement that an appeal may be filed.

(b) Service. The violation notice shall be served either personally or by certified mail, postage prepaid, return receipt requested.

3.3.5. Emergencies

If a violation exists that poses a danger to the public health, safety, or welfare, or which requires immediate action to prevent irreparable damage, the city may invoke any of the penalties, remedies, revocation of permits or stop work orders as authorized by the UDC without service of a written notice.

3.3.6. Remedial Work

(a) *Remedial Work.*

(1) General. When a violation notice has been served, remedial work shall begin, as directed, within forty-eight (48) hours.
(2) Signs. When a violation notice has been issued, the sign shall be removed within thirty (30) days.

(b) *Lien.* If remedial work is not undertaken and completed as described in the violation notice, within the prescribed time period, the city is hereby authorized to enter upon the property and take necessary actions to correct or remove the conditions described in the notice. The costs of correcting said condition shall be charged to the owner, and the city shall have a lien against such property for such costs.

(c) *Permit Revocation.* If remedial work is not undertaken as directed by the violation notice, any or all development related permits may be revoked.

3.3.7. Stop Work Order

(a) *Remedial Work.*

(1) A stop work order may be issued if remedial work is not being undertaken.

(2) When the city has performed remedial work, a stop work order shall be issued and shall remain in effect until payment has been received for the work performed.

(b) *Failure to Obtain Permit or Plan.* A stop work order may be issued for all work being performed without required permits or plans.

SECTION 3.4. MISCELLANEOUS REMEDIES

3.4.1. Occupancy Without Certificate of Occupancy.

(a) The Building Official shall have the right, after notice is given, to disconnect the water service to a building, if occupied before a certificate of occupancy is issued or if all law, ordinances, and code violations are not remedied and inspected as approved.

SECTION 3.5. SUBDIVISION REGULATIONS.

(a) In order to carry out the purposes of these regulations and to assure an orderly program of development after the effective date of these regulations:

(1) **Sale of Lots**

(A) 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 Benton County, Arkansas.

(2) **Metes and Bounds Descriptions**

(A) 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) **Return of filed documents to the City**

(A) Proof of Proper County Action Required. Whenever an applicant successfully applies for a lot split, lot line adjustment, or subdivision approval, and that approval requires further County action to be complete, the applicant for said service shall provide the City Clerk with proof of that County action within thirty (30) days of the final City action.

(B) Effect of Failure to Notify City. Should an applicant fail to provide the City Clerk with the notice required by this section, the City's action in approving the land use service shall be null and void, and the applicant's fee shall not be refunded. Provided however, that nothing in this code shall be construed to mean that an applicant whose City action is rendered null and void by the operation of this ordinance is prohibited from applying for the service and paying the appropriate fee after the thirty (30) day period has passed.

SECTION 3.6. BUILDING PERMITS

(a) Upon adoption of these zoning regulations, no building or structure shall be erected, altered, or moved, without a permit issued by the City of Gravette. 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, 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 City of Gravette as meeting all the requirements of these regulations. All building permits shall be approved by the Building Inspector. The permit must be posted in a conspicuous place on the front of the premises.

(1) All applications for a building permit shall be accompanied by a survey (or site Plan) 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 of the approved plan shall be kept by the Administrative Official. The Administrative Official will determine how many copies of the survey will be required to be submitted.

(2) If any construction, alteration or installation is undertaken 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.

SECTION 3.7. APPEALS

See Section 2.4, Appeals.

SECTION 3.8. VIOLATION AND PENALTIES

(1) 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 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 more than five hundred dollars ($500.00) per day.

(2) Any person who fails to give full and correct information when applying for a permit shall be subject to a fine of no more than one hundred dollars $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.

(3) Other Lawful Action. Nothing herein contained shall prevent the city from taking such other lawful action as is necessary to prevent or remedy any violation of the UDC.

(4) The Court, having jurisdiction, in its discretion, may require that the structure be removed or altered 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 3.9. 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 4 ZONING CODE

SECTION 4.1. AUTHORITY AND PURPOSE

The provisions set forth in this ordinance have been prepared in accordance with the authority for zoning, granted by the Legislature of the State of Arkansas as provided by A.C.A. §14-56-401 through §14-56-426, as amended.

The Zoning regulations set forth herein are enacted to promote the health, safety and general welfare of the citizens of Gravette; to lessen traffic congestion; to reduce dangers from fire and other natural hazards; to facilitate adequate provisions of transportation, water sewerage, streets, schools, parks, and other public requirements; and to insure the orderly development of the community.

4.1.1. Jurisdiction.

1. The Jurisdiction of this ordinance shall include all land in the city limits of Gravette. This ordinance shall also apply to any land added to the city limits, for whatever reason, after the adoption of this ordinance.

4.1.2. Establishments of Districts.

1. The districts provided in Section 4.4. are hereby established for the City of Gravette.

4.1.3. Interpretation of Terms.

(a) The word shall is mandatory, the word may is permissive.

(b) The word lot includes the words plot or parcel.

(c) The present tense includes the future tense, the singular number includes the plural, and the plural number includes the singular.

SECTION 4.2. OFFICIAL ZONING MAP.

The City is hereby divided into zones, or districts, as shown on the Official Zoning Map, which together with all explanatory matter thereon, is hereby adopted by reference and declared to be part of this ordinance.

(a) The Official Zoning Map shall be identified by the signature of the Mayor attested by the City Clerk, and bearing the seal of the City under the following words: “This is to certify that this is the Official Zoning Map referred to in Ordinance Number _____ of the City of Gravette,” together with the date of the adoption of this ordinance.

(b) No yard or lot existing at the time of passage of this ordinance shall be reduced in dimensions of area below the minimum requirement set for herein,

Yards or lots created after the effective date of this ordinance shall meet at least the minimum requirements established by this ordinance.

SECTION 4.3. AMENDMENTS

The Planning Commission has established the following procedures for processing requests for amendments.

4.3.1. General.

(a) This ordinance shall be amended in conformance with the requirements of A.C.A. § 14-56-422, as initially adopted and as they subsequently may be amended.

(b) No application for change of zoning for a given property may be resubmitted within twelve (12) months from the date of action by the Planning Commission or legislative body, whichever is later, unless the Planning Commission finds that a substantial reason exists for waiving this limitation.

(c) An applicant for a change of zoning shall be required to reimburse the City of Gravette for costs of public notices and the conduct of the public hearing.

4.3.2. The following entities may initiate a request to amend this Code.

(1) A member or members of the City Council
(2) A member or members of the Planning Commission
(3) The owner of a property or their appointed agent

4.3.3. Procedure for Amendments by the City Council: Amendments generated by the City Council shall be made in one of the following methods:

(a) The City Council may refer any amendment request to the Planning Commission, which shall be considered in accordance with the procedures outlined below; or

(b) The City Council may act upon any amendment request in accordance with the provisions of § 14-56-423 of the Arkansas Code, which shall take action through the normal ordinance procedures, requiring a majority vote of the City Council for any amendment.

4.3.4. Procedure for Amendments by the Planning Commission: Amendments may be made only in accordance with the procedures outlined herein.

(a) The Planning Commission may, from time to time, either upon request by one or more of its members, by direction of the City Council, or in the course of its normal planning activities, consider amendments or additions to the Zoning Code.

(b) Notification for map or text amendments:

(1) Notice of public hearing shall be published in a newspaper of general circulation in the city at least one (1) time fifteen (15) days prior to the hearing.

(2) Notice by first class mail to the boards of directors of all school districts affected by a proposed plan, ordinance, or regulation shall be provided sufficiently in advance to allow representatives of all affected school districts a reasonable opportunity to submit comments on any proposed plan, ordinance, or regulation.

(c) Changes in zoning classifications initiated by the Planning Commission shall be considered changes affecting the entire city and notice to individual property owners shall not be made unless the Planning Commission shall make a finding that a substantial public benefit would be attained by such notification. The Planning Commission shall make a map and/or documents indicating the proposed changes available in City Hall or on the City's official website for review by interested persons and property owners prior to the public hearing at which the changes will be considered.

(d) Public Hearing. The Planning Commission shall hold a public hearing to consider amendments to the Zoning Code and amendments to the Comprehensive Plan, if required.

(e) Planning Commission action. Following the public hearing, the proposed plans may be recommended as presented, or in modified form, by a majority of the entire Planning Commission.

(f) City Council action. Following its adoption of recommended plans or ordinances, the commission shall certify such to the City Council for its adoption.

4.3.5. Procedure for Map Amendments by property owners. Amendments by property owners may only be made in the following manner.

(a) Application. A completed application submitted with the appropriate application fee for a zoning map amendment shall be filed with the Planning and Development Office. The application shall at a minimum include the following:

(1) Name and address of applicant.
(2) Signature of the applicant confirming that the applicant is the owner or authorized representative of the owner of the property for which the Zoning Map Amendment is proposed. If the applicant is not the property owner, an executed and notarized Owner's Authorization for Agent Representation designating the applicant as an authorized representative of the property owner must be submitted with the application packet.
(3) Address and legal description of property.

(4) A map of the subject property, delineating: the dimensions of property; approximate location of buildings with appropriate dimensions; land uses of adjacent properties.
(5) A vicinity map clearly depicting the location and context of the subject rezone request

(b) Public notification and hearing.

(1) Upon receipt in proper form of the application for a Zoning Map Amendment the Planning Department shall place the request on the next Planning Commission meeting agenda for the public hearing according to the submittal schedule approved by the Planning Commission.

(2) At least ten (10) business days prior to the public hearing date, the Planning Department staff shall post a public hearing notice sign on the subject property in an area clearly visible from the public right-of-way. In cases where the subject property fronts more than one street, a sign shall be placed along each applicable street.
i. This sign shall be a minimum eighteen (18) inches by twenty-four (24) inches in size.
ii. The Planning Department shall be responsible for producing this sign, having the sign placed, and all associated costs affiliated with this sign except in the case of damage or theft in which the Applicant shall be responsible for replacement costs. The sign shall be designed and displayed in a manner to withstand the weather conditions present during this display period.
iii. This sign shall include all information regarding the public hearing or a link thereto as specified by the Planning Department.

(3) Notice of public hearing shall be published in a newspaper of general circulation in the city at least one (1) time fifteen (15) calendar days prior to the hearing. The content of said notice shall describe the location of the request, the size of the area requested to be rezoned, the current zoning, and the proposed zoning. The cost of this notification shall be included in the application fee.

(4) The Applicant shall be responsible for sending a notification to each owner of property located within 300’ of the property for which rezoning has been requested. The notices shall be sent by certified mail at the Applicant’s sole cost and expense. The Applicant shall submit receipts to the Planning Department as proof of mailing at least ten (10) calendar days prior to the public hearing.

4.3.6. The application fee for any map amendment by property owners, shall in no part, be refundable, and shall be paid to the City of Gravette.

4.3.7. Additional Procedures and Clarification

If all procedural requirements above are satisfied, the Planning Commission and the City Council shall proceed in the following manner:

(a) The Planning Commission shall conduct the Public Hearing on the proposed amendment to the Zoning Code Text or Official Zoning Map.

(b) 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, and that the purpose of the Amendment is not based exclusively upon a desire to increase the value or income potential of the property. The Planning Commission shall make written recommendations to the City Council setting forth the basis for its recommendations. A copy of these recommendations shall be submitted to the applicant at the same time.

(c) The Planning Commission may approve the proposed Amendment or change of district boundary as presented or in modified form; and the Planning Commission shall make a written recommendation to the City Council including the reasons therefore.

(d) If the Planning Commission disapproves a proposed amendment or rezoning petition, the reason for such disapproval shall be given in writing to the Applicant and City Council within thirty (30) days from the date of the Public Hearing.

(e) All applications of a proposed amendment for a change in the boundary of a zoning district, whether recommended for approval or disapproval by the Planning Commission, are to be heard by the City Council at the next regular City Council meeting for a final decision on the proposed amendment.

(f) The Applicant may withdraw their proposed amendment from the City Council Agenda at any time prior to the time the proposed amendment is to be addressed by the City Council; however, any proposed amendment withdrawn must begin the process from the beginning and resubmit a new application for a proposed amendment to rezone property and be subject to the time submission requirements.

(g) The Applicant may request that the proposed amendment be postponed from any consideration of approval or disapproval on the date it is scheduled on the City Council's agenda and move it to the next regular meeting of the City Council; however, the City Council, by majority vote, may approve or deny the request at the date of the City council meeting which it is subject to the considered. The City Council may still read the proposed amendment to meet the state law reading requirement for passage of ordinances after the

City Council has voted to postpone consideration of the approval or disapproval of the proposed amendment.

(1) Nothing in this subsection shall be construed to prohibit the City Council from postponing the proposed amendment to the next regular meeting of the City Council or to a special meeting of the City Council on its own initiative.

(h) The City Council, by a majority vote, may, by ordinance, adopt the recommended amendment submitted by the Planning Commission or may return the proposed amendment to the Planning Commission for further study and recommendation. Any amendment hereto shall become effective only upon passage by ordinance by a majority of the full City Council.

(i) If the City Council does not concur with the recommendation of the Planning Commission, either as first submitted or as submitted after re-study, the City Council, may, by majority vote, amend this Code by granting the request in full or in modified form.

(1) Nothing in this subsection shall be construed to prohibit the City Council from authority to recall from the Planning Commission the referred proposed rezoning amendment by a vote of the majority of the City Council.

(j) No application for a zoning amendment will be reconsidered by the Planning Commission for a period of twelve (12) months of elapsed time from the date of final disapproval of the proposed amendment, unless the Planning Commission determines by three-fourths (3/4) majority vote that a substantial reason exists for waiving this mandatory waiting period or upon a showing of substantial change in conditions found to be valid by the Planning Commission. For purposes hereof, a change of ownership of the subject property shall not be deemed to be a change of conditions.

4.3.8. Future Development along Federal and State Roadways

(a) When a rezone request lies along a federal interstate or state highway the frontage property of at least 200 feet from the road right of way for sewered locations and 300 feet from the road right of way for septic locations shall be zoned to a commercial use category to allow for future development that is compatible with the Future Land Use Map.

SECTION 4.4. ZONING DISTRICTS.

4.4.1. Classification of Districts.

For the purpose of this regulation, the following zoning districts are established:

R-1	Single Family District
R-T	Traditional Single-Family District
R-2	Two Family District
R-SMF	Small Scale Multifamily District
R-3	Multifamily District
R-4	Manufactured Housing District
R-5	Walkable Mixed-Use District
R-O	Residential Office District
C-1	Central Commercial District
C-2	Highway Commercial District
C-3	Light Commercial
C-4	General Commercial District
C-5	Commercial Trades and Services
C-6	Commercial Abutting Industrial/Agricultural Zone District
I-1	Heavy Industrial
A-1	Residential Agricultural

(a) **Area Requirements.** Area requirements are found in the Area Requirements Table for each zoning district.

(b) **Parking.** Parking regulations are found in Section 1.4.

(c) **Uses Permitted.** Uses permitted in each district are found in the Use Table for each zoning district.

4.4.2. R-1 Single-Family District

(a) This residential district is intended as an area of residences with permitted related uses as churches, schools, recreational facilities, and other public or semi-public uses.

4.4.3. R-T Traditional Single-Family District

(a) This residential district is intended as an area of residences with permitted related uses as churches, schools, recreational facilities, and other public or semi-public uses. This district allows for smaller, more traditional residential lots, such as those near the downtown area. The dimensions allowed provide for more narrow street frontage and may/are encouraged to include alley access.

4.4.4. R-2 Two-Family District

(a) The Two-Family District is designed to permit single-family and two-family unit types with a slightly greater density than the R-1 District.

4.4.5. R-SMF Small Scale Multifamily District

(a) The Small-Scale Multifamily District is designed to permit and encourage the development of a greater variety of dwelling unit types with a density that is more than the R-2 Two-family district, but less than the R-3, Multifamily District. Examples include, but are not limited to, tri-plexes and four-plexes.

4.4.6. R-3 Multifamily District

(a) The Multifamily District is designed to permit and encourage the development of a greater variety of dwelling unit types, and can include developments, such as an apartment complex, at a higher density than those in the R-SMF district.

4.4.7. R-4 Manufactured Housing District

(a) The Manufactured Housing District is designed to permit the placement of single-family and manufactured housing within the City of Gravette. This district is a legacy district, and no additional property will be changed to this zoning. Manufactured housing/ units are allowed by right in the Residential Agricultural zoning district and are limited to one (1) unit per three (3) acres.

4.4.8. R-5 Walkable Mixed-Use District

(a) The Walkable Mixed-Use District is designed to encourage flexibility in residential types, as well as small commercial uses that will serve the surrounding residents. This district will consist of Complete Neighborhoods and encourage pedestrian connection. It is anticipated that this area will be placed near existing infrastructure and areas surrounding the downtown core. Additional placement of this district in encouraged where there is connection to bicycle and pedestrian infrastructure. This district shall adhere to “build to” zones instead of setback requirements. This district shall not allow Factory built housing as per section 4.8.1.

4.4.9. R-O Residential Office District

(a) The Residential Office District is designed to provide areas in close proximity to residential uses for the development of offices or offices and residential uses in combination. This district is intended to preserve the residential character of the area.

4.4.10. C-1 Central Commercial District.

(a) The Central Commercial District is intended for retail establishments and their related services in the downtown area. This district shall adhere to “build to” zones instead of setback requirements.

(b) Live/work and apartment dwellings, either above or behind buildings, in the downtown Central Commercial District are allowable uses.

4.4.11. C-2 Highway Commercial District

(a) The Highway Commercial District is intended for retail and related service establishments which may require large customer parking space. This district should be ideally located along major arterial streets, and have access to infrastructure necessary to support this use. This district also supports a variety of housing types; no additional single-family residential subdivisions will be placed within this zone.

4.4.12. C-3 Light Commercial District

(a) The Light Commercial District is intended for retail and related establishments with minimal traffic generation, and smaller building footprints than what are found in the C-2 and C-4 Districts. This district also supports a variety of housing types; no additional single-family residential subdivisions will be placed within this zone.

4.4.13. C-4 General Commercial District

(a) This District is intended for retail and related service establishments. This district also supports a variety of housing types; no additional single-family residential subdivisions will be placed within this zone.

4.4.14. C-5 Commercial Trades and Services District.

(a) The Commercial Trades and Services District is intended for retail and service establishments, including those engaging in light machining, assembly and packaging for redistribution of merchandise, as well as small storage and offices associated with small contractor types of uses. Also includes “flex spaces”.

4.4.15. C-6 Abutting Industrial and Agricultural Zoning District.

(a) The Abutting Industrial and Agricultural Zoning District is for retail and service establishments with heavy traffic that requires large parking and storage areas and may involve general manufacturing and accessory warehousing.

4.4.16. I-1 Industrial District

(a) The Industrial District is intended to provide for the storage, assembly, processing and manufacturing of goods and related services.

4.4.17. A-1 Residential Agricultural District

(a) The Agricultural District is intended to provide for a full range of agricultural activity, prevent the scattering of urban development and conserve rural open space. Single family residential structures, and manufactured residences, are appropriate in this district as individual units, but not residential subdivision developments. This district is intended for agricultural and related uses as well as an area of residences situated on large estate-style lots of three (3) or more acres with permitted related uses as public, semi-public, civic, and recreational facilities.

SECTION 4.5. USES PERMITTED

1. The letter “P” indicates that a use is permitted by right. “CUP” indicates that this use shall adhere to the Conditional Use Permit process in order to be considered. And “x” indicates the use is note permitted. If a specific use is not listed, the planning official will make a determination which use is most similar to the request.

Residential Districts:

USE	R1	RT	R2	R-SMF	R3	R5
Residential Uses						
Dwelling, Single Unit Detached	**P**	**P**	**P**	**P**	**P**	**P**
Dwelling, Single Unit Attached (townhomes)	**x**	**P**	**P**	**P**	**P**	**P**

USE	R1	RT	R2	R-SMF	R3	R5
Dwelling, Single Unit, Zero Lot Line	**x**	**x**	**P**	**P**	**P**	**P**
Dwelling, Two Unit	**x**	**x**	**P**	**P**	**P**	**P**
Dwelling, Three and Four Unit	**x**	**x**	**x**	**P**	**P**	**P**
Dwelling, Multi Unit	**x**	**x**	**x**	**P**	**P**	**P**
Dwelling, Live/work	**x**	**x**	**x**	**x**	**x**	**P**
Dwelling, Manufactured Housing	**x**	**x**	**x**	**x**	**x**	**x**
Dwelling, Tiny Home Community	**PZD**	**PZD**	**PZD**	**PZD**	**PZD**	**PZD**
Dwelling, Accessory Dwelling Unit	**P**	**P**	**P**	**P**	**P**	**P**
Public, Civic, and Institutional						
Adult Daycare	**x**	**x**	**x**	**x**	**x**	**P**
Airport or Airstrip	**x**	**x**	**x**	**x**	**x**	**x**
Bus Station	**P**	**P**	**P**	**P**	**P**	**P**
Child Care, limited	**P**	**P**	**P**	**P**	**P**	**P**
Child Care, general	**x**	**x**	**x**	**x**	**x**	**P**
Community Building or Center	**P**	**P**	**P**	**P**	**P**	**P**
Cemetery/ Mausoleum	**P**	**P**	**P**	**P**	**P**	**P**
Funeral Homes and accessory uses	**x**	**x**	**x**	**x**	**x**	**P**

USE	R1	RT	R2	R-SMF	R3	R5
Government and Public Buildings, Services, and Uses	**P**	**P**	**P**	**P**	**P**	**P**
Health Care, Clinics and Offices	**x**	**x**	**x**	**x**	**x**	**P**
Health Care, Hospitals	**x**	**x**	**x**	**x**	**x**	**P**
Museum, Gallery	**x**	**x**	**x**	**x**	**x**	**P**
Religious Assembly	**P**	**P**	**P**	**P**	**P**	**P**
Parks or Recreational Facilities, Publicly Operated	**P**	**P**	**P**	**P**	**P**	**P**
Schools, PreK-High School, Public or Private	**P**	**P**	**P**	**P**	**P**	**P**
Schools, College / University / Trade School	**x**	**x**	**x**	**x**	**x**	**CUP**
Utility, major	**CUP**	**CUP**	**CUP**	**CUP**	**CUP**	**CUP**
Utility, minor	**P**	**P**	**P**	**P**	**P**	**P**
Wireless Communications, small scale	**P**	**P**	**P**	**P**	**P**	**P**
Wireless Communications	**CUP**	**CUP**	**CUP**	**CUP**	**CUP**	**CUP**
Commercial, Office and Retail						
Automobile Repair Shop, limited	**x**	**x**	**x**	**x**	**x**	**x**

USE	R1	RT	R2	R-SMF	R3	R5
Automobile Repair Shop, general	**x**	**x**	**x**	**x**	**x**	**x**
Automobile Service Station, no fuel sales	**x**	**x**	**x**	**x**	**x**	**x**
Automobile Service Station, with fuel sales	**x**	**x**	**x**	**x**	**x**	**x**
Campground, tents and ancillary facilities	**x**	**x**	**x**	**x**	**x**	**x**
Campground, RV Park, tents, and ancillary facilities	**x**	**x**	**x**	**x**	**x**	**x**
Car Wash	**x**	**x**	**x**	**x**	**x**	**x**
Commercial Parking Lot	**x**	**x**	**x**	**x**	**x**	**x**
Commercial Parking Lot with overnight parking allowed	**x**	**x**	**x**	**x**	**x**	**x**
Commercial / Retail, less than 5,500 SF	**x**	**x**	**x**	**CUP**	**CUP**	**P**
Commercial / Retail, 5,500 SF - 10,000 SF	**x**	**x**	**x**	**x**	**x**	**CUP**
Commercial / Retail, more than 10,000 SF	**x**	**x**	**x**	**x**	**x**	**CUP**
Dry Cleaning	**x**	**x**	**x**	**CUP**	**CUP**	**P**
Home Occupation	**P**	**P**	**P**	**P**	**P**	**P**

USE	R1	RT	R2	R-SMF	R3	R5
Hotel / Motel	**x**	**x**	**x**	**x**	**x**	**CUP**
Ice or other vending machine / ATM	**x**	**x**	**x**	**P**	**P**	**CUP**
Indoor Entertainment , limited	**x**	**x**	**x**	**CUP**	**CUP**	**P**
Indoor Entertainment	**x**	**x**	**x**	**CUP**	**CUP**	**CUP**
Laundromat	**x**	**x**	**x**	**CUP**	**CUP**	**P**
Lodging, Short Term	**P**	**P**	**P**	**P**	**P**	**P**
Manufacturing- Limited / Maker Spaces	**x**	**x**	**x**	**x**	**x**	**P**
Mobile Food Vendor	**x**	**x**	**x**	**CUP**	**CUP**	**P**
Open Display Commercial	**x**	**x**	**x**	**x**	**x**	**x**
Offices and Services	**x**	**x**	**x**	**CUP**	**CUP**	**P**
Outdoor Entertainment , limited	**x**	**x**	**x**	**CUP**	**CUP**	**P**
Outdoor Entertainment	**x**	**x**	**x**	**CUP**	**CUP**	**CUP**
Outdoor Storage, commercial	**x**	**x**	**x**	**x**	**x**	**x**
Outdoor Auction	**x**	**x**	**x**	**x**	**x**	**x**
Restaurant, drive thru	**x**	**x**	**x**	**x**	**x**	**x**
Restaurant, no drive thru	**x**	**x**	**x**	**CUP**	**CUP**	**P**

USE	R1	RT	R2	R-SMF	R3	R5
Self Storage (Mini) Facility	**x**	**x**	**x**	**x**	**x**	**CUP**
Shooting Range	**x**	**x**	**x**	**x**	**x**	**x**
Solar Facility, Accessory	**P**	**P**	**P**	**P**	**P**	**P**
Veterinary and Animal Care with outdoor animal areas	**x**	**x**	**x**	**x**	**x**	**x**
Veterinary and Animal Care with no outdoor animal areas	**x**	**x**	**x**	**CUP**	**CUP**	**P**
Agriculture						
Backyard	**P**	**P**	**P**	**CUP**	**CUP**	**P**
Crop	**x**	**x**	**x**	**x**	**x**	**x**
Farm Equipment sales, service, and repair	**x**	**x**	**x**	**x**	**x**	**x**
Farmer's Market	**x**	**x**	**x**	**x**	**x**	**P**
Feed and Fertilizer sales and storage, commercial	**x**	**x**	**x**	**x**	**x**	**x**
Livestock	**x**	**x**	**x**	**x**	**x**	**x**
Livestock Auctions / Sale Yard	**x**	**x**	**x**	**x**	**x**	**x**
Farm Stands, onsite sales						**CUP**
Industrial, Manufacturing, and Extractive						

USE	R1	RT	R2	R-SMF	R3	R5
Automobile Impound / Tow Yard	**x**	**x**	**x**	**x**	**x**	**x**
Automobile Junk / Salvage Yard	**x**	**x**	**x**	**x**	**x**	**x**
Basic Industry	**x**	**x**	**x**	**x**	**x**	**x**
Concrete and Cement Manufacturing	**x**	**x**	**x**	**x**	**x**	**x**
Contractor or Utility Equipment Parking / Storage Yard	**x**	**x**	**x**	**x**	**x**	**x**
Freight Terminal	**x**	**x**	**x**	**x**	**x**	**x**
Livestock or Poultry Tanning or Rendering Plant	**x**	**x**	**x**	**x**	**x**	**x**
Manufacturing and Processing Food Products	**x**	**x**	**x**	**x**	**x**	**x**
Manufacturing and Wholesale, Intensive	**x**	**x**	**x**	**x**	**x**	**x**
Manufacturing and Wholesale, Light	**x**	**x**	**x**	**x**	**x**	**x**
Mining or Quarrying	**x**	**x**	**x**	**x**	**x**	**x**
Recycling and Reclamation	**x**	**x**	**x**	**x**	**x**	**x**

USE	R1	RT	R2	R-SMF	R3	R5
Solar Facility, Utility Scale	**x**	**x**	**x**	**x**	**x**	**x**
Warehousing, Primary	**x**	**x**	**x**	**x**	**x**	**x**
Warehousing, Accessory	**x**	**x**	**x**	**x**	**x**	**x**

Mixed Use and Industrial Districts:

USE	RO	C1	C2	C3	C4	C5	C6	I	A1
Residential Uses									
Dwelling, Single Unit Detached	**P**	*** see area table**	**CUP**	*** see area table**	*** see area table**	*** see area table**	*** see area table**	**CUP**	**P**
Dwelling, Single Unit Attached (townhomes)	**P**	**P**	**P**	**P**	**P**	**x**	**x**	**x**	**x**
Dwelling, Single Unit, Zero Lot Line	**P**	**P**	**P**	**P**	**x**	**x**	**x**	**x**	**x**
Dwelling, Two Unit	**x**	**x**	**P**	**P**	**x**	**x**	**x**	**x**	**x**

USE	RO	C1	C2	C3	C4	C5	C6	I	A1
Dwelling, Three and Four Unit	x	x	P	x	x	x	x	x	x
Dwelling, Multi Unit	x	P	P	P	P	CUP	CUP	x	x
Dwelling, Live/work	P	P	P	P	x	P	x	x	P
Dwelling, Manufactured Housing	x	x	x	x	x	x	x	x	P
Dwelling, Tiny Home Community	PZD	x	PZD	PZD	PZD	PZD	PZD	PZD	PZD
Dwelling, Accessory Dwelling Unit	P	P	P	P	P	P	P	P	P
Public, Civic, and Institutional									
Adult Daycare	P	P	P	P	P	x	x	x	x
Airport or Airstrip	x	x	x	x	x	x	CUP	P	CUP
Bus Station	P	P	P	P	P	P	P	P	P

USE	RO	C1	C2	C3	C4	C5	C6	I	A1
Child Care, Public/Nonprofit limited	**P**	**x**	**x**	**P**	**x**	**x**	**x**	**x**	**P**
Child Care, Public/Nonprofit general	**P**	**P**	**P**	**P**	**P**	**x**	**x**	**x**	**x**
Community Building or Center	**P**	**P**	**P**	**P**	**P**	**P**	**P**	**P**	**P**
Cemetery/ Mausoleum	**P**	**P**	**P**	**P**	**P**	**P**	**P**	**P**	**P**
Funeral Homes and accessory uses	**x**	**P**	**P**	**CUP**	**P**	**P**	**p**	**p**	**x**
Government and Public Buildings, Services, and Uses	**P**	**P**	**P**	**P**	**P**	**P**	**P**	**P**	**P**
Health Care, Clinics and Offices	**P**	**P**	**P**	**P**	**P**	**P**	**P**	**P**	**X**

USE	RO	C1	C2	C3	C4	C5	C6	I	A1
Health Care, Hospitals	**x**	**X**	**P**	**x**	**P**	**P**	**P**	**P**	**P**
Museum, Gallery	**CUP**	**P**	**P**	**P**	**P**	**P**	**P**	**P**	**P**
Religious Assembly	**P**	**P**	**P**	**P**	**P**	**P**	**P**	**P**	**P**
Parks or Recreational Facilities, Publicly Operated	**P**	**P**	**P**	**P**	**P**	**P**	**P**	**P**	**P**
Schools, PreK-High School, Public or Private	**CUP**	**CUP**	**P**	**CUP**	**P**	**P**	**P**	**P**	**P**
Schools, College / University / Trade School	**CUP**	**CUP**	**P**	**CUP**	**P**	**P**	**P**	**P**	**x**
Utility, major	**CUP**	**CUP**	**CUP**	**CUP**	**CUP**	**P**	**P**	**P**	**CUP**
Utility, minor	**P**	**P**	**P**	**P**	**P**	**P**	**P**	**P**	**P**

USE	RO	C1	C2	C3	C4	C5	C6	I	A1
Wireless Communications, small scale	**P**	**P**	**P**	**P**	**P**	**P**	**P**	**P**	**P**
Wireless Communications	**CUP**	**CUP**	**CUP**	**CUP**	**CUP**	**CUP**	**P**	**P**	**CUP**
Commercial, Office, Flex Space and Retail									
Automobile Repair Shop, limited	**x**	**x**	**P**	**CUP**	**P**	**P**	**P**	**P**	**x**
Automobile Repair Shop, general	**x**	**x**	**CUP**	**x**	**P**	**P**	**P**	**P**	**x**
Automobile Service Station/ Convenience Store, no fuel sales	**x**	**x**	**P**	**CUP**	**P**	**P**	**P**	**P**	**x**
Automobile Service Station/ Convenience Store, with fuel sales	**x**	**x**	**P**	**x**	**P**	**P**	**P**	**P**	**x**

USE	RO	C1	C2	C3	C4	C5	C6	I	A1
Campground, tents and ancillary facilities	**x**	**x**	**CUP**	**CUP**	**CUP**	**P**	**P**	**P**	**CUP**
Campground, RV Park, tents, and ancillary facilities	**x**	**x**	**CUP**	**x**	**CUP**	**P**	**P**	**P**	**CUP**
Car Wash	**x**	**x**	**P**	**x**	**P**	**P**	**P**	**P**	**x**
Commercial Parking Lot	**x**	**CUP**	**P**	**x**	**P**	**P**	**P**	**P**	**x**
Commercial Parking Lot with overnight parking allowed	**x**	**x**	**x**	**x**	**CUP**	**CUP**	**CUP**	**P**	**x**
Commercial / Retail, less than 5,500 SF	**P**	**P**	**P**	**P**	**P**	**P**	**P**	**CUP**	**CUP**

USE	RO	C1	C2	C3	C4	C5	C6	I	A1
Commercial / Retail, 5,500 SF - 10,000 SF	**CUP**	**P**	**P**	**P**	**P**	**P**	**P**	**CUP**	**CUP**
Commercial / Retail, more than 10,000 SF	**CUP**	**CUP**	**P**	**CUP**	**P**	**P**	**P**	**CUP**	**CUP**
Dry Cleaning	**x**	**P**	**P**	**CUP**	**P**	**P**	**P**	**P**	**x**
Flex Space	**x**	**x**	**P**	**CUP**	**P**	**P**	**P**	**P**	**x**
Home Occupation	**P**	**P**	**P**	**P**	**P**	**x**	**x**	**x**	**P**
Hotel / Motel	**x**	**CUP**	**P**	**CUP**	**P**	**P**	**x**	**x**	**x**
Ice or other vending machine / ATM	**x**	**CUP**	**P**	**P**	**P**	**P**	**P**	**P**	**x**
Indoor Entertainment, limited	**CUP**	**P**	**P**	**CUP**	**P**	**P**	**P**	**P**	**CUP**
Indoor Entertainment, general	**x**	**CUP**	**CUP**		**P**	**P**	**P**	**P**	**CUP**
Laundromat	**x**	**P**	**P**	**CUP**	**P**	**P**	**P**	**P**	**x**

USE	RO	C1	C2	C3	C4	C5	C6	I	A1
Lodging, Short Term	**P**	**P**	**P**	**P**	**P**	**x**	**x**	**x**	**P**
Manufacturing-Limited / Maker Spaces	**CUP**	**P**	**P**	**CUP**	**P**	**P**	**P**	**P**	**CUP**
Mobile Food Vendor	**CUP**	**P**	**P**	**P**	**P**	**P**	**P**	**P**	**CUP**
Open Display Commercial	**x**	**x**	**x**	**x**	**P**	**CUP**	**P**	**P**	**x**
Offices and Services	**P**	**P**	**P**	**P**	**P**	**P**	**CUP**	**CUP**	**CUP**
Outdoor Entertainment, limited	**CUP**	**CUP**	**P**	**CUP**	**P**	**P**	**P**	**P**	**CUP**
Outdoor Entertainment	**x**	**CUP**	**CUP**	**x**	**P**	**P**	**P**	**P**	**CUP**
Outdoor Storage, commercial	**x**	**x**	**CUP**	**x**	**CUP**	**CUP**	**P**	**P**	**x**
Outdoor Auction	**x**	**x**	**x**	**x**	**P**	**P**	**P**	**P**	**CUP**

USE	RO	C1	C2	C3	C4	C5	C6	I	A1
Restaurant, drive thru	**x**	**x**	**P**	**x**	**P**	**P**	**P**	**CUP**	**x**
Restaurant, no drive thru	**CUP**	**P**	**P**	**CUP**	**P**	**P**	**P**	**CUP**	**x**
Self Storage (Mini) Facility	**x**	**x**	**CUP**	**x**	**CUP**	**P**	**P**	**P**	**CUP**
Shooting Range	**x**	**x**	**x**	**x**	**x**	**CUP**	**CUP**	**P**	**x**
Solar Facility, Accessory	**P**	**P**	**P**	**P**	**P**	**P**	**P**	**P**	**P**
Veterinary and Animal Care with outdoor animal areas	**x**	**x**	**CUP**	**x**	**P**	**P**	**P**	**CUP**	**CUP**
Veterinary and Animal Care with no outdoor animal areas	**x**	**P**	**P**	**CUP**	**P**	**P**	**P**	**CUP**	**P**
Agriculture									
Backyard	**P**	**x**	**P**	**P**	**P**	**P**	**P**	**P**	**P**
Crop	**x**	**x**	**x**	**x**	**x**	**x**	**P**	**P**	**P**

USE	RO	C1	C2	C3	C4	C5	C6	I	A1
Farm Equipment sales, service, and repair	**x**	**x**	**CUP**	**x**	**P**	**P**	**P**	**P**	**CUP**
Farmer's Market, Produce Market	**x**	**P**	**P**	**P**	**P**	**P**	**x**	**x**	**CUP**
Feed and Fertilizer sales and storage, commercial	**x**	**x**	**CUP**	**x**	**P**	**P**	**P**	**P**	**CUP**
Livestock, General	**x**	**x**	**x**	**x**	**x**	**x**	**CUP**	**P**	**P**
Livestock Auctions / Sale Yard	**x**	**x**	**x**	**x**	**x**	**x**	**CUP**	**P**	**CUP**
Farm Stands, onsite and offsite sales		**CUP**	**CUP**	**CUP**	**P**	**P**			**P**
Industrial, Manufacturing, and Extractive									
Automobile Impound / Tow Yard	**x**	**x**	**CUP**	**x**	**CUP**	**CUP**	**P**	**P**	**x**

USE	RO	C1	C2	C3	C4	C5	C6	I	A1
Automobile Junk / Salvage Yard	**x**	**x**	**x**	**x**	**x**	**x**	**CUP**	**CUP**	**x**
Basic Industry	**x**	**x**	**x**	**x**	**x**	**x**	**x**	**CUP**	**x**
Concrete and Cement Manufacturing	**x**	**x**	**x**	**x**	**x**	**x**	**x**	**CUP**	**x**
Contractor or Utility Equipment Parking / Storage or Laydown Yard	**x**	**x**	**x**	**x**	**CUP**	**CUP**	**P**	**P**	**x**
Freight Terminal	**x**	**x**	**x**	**x**	**x**	**CUP**	**CUP**	**P**	**x**
Livestock or Poultry Tanning or Rendering Plant	**x**	**x**	**x**	**x**	**x**	**x**	**x**	**CUP**	**x**
Manufacturing and Processing Food Products	**x**	**x**	**x**	**x**	**x**	**x**	**CUP**	**P**	**x**

USE	RO	C1	C2	C3	C4	C5	C6	I	A1
Manufacturing and Wholesale, Intensive	**x**	**x**	**x**	**x**	**x**	**x**	**CUP**	**P**	**x**
Manufacturing and Wholesale, Light	**x**	**x**	**x**	**x**	**x**	**P**	**P**	**P**	**x**
Mining or Quarrying	**x**	**x**	**x**	**x**	**x**	**x**	**CUP**	**CUP**	**x**
Recycling and Reclamation	**x**	**x**	**x**	**x**	**x**	**x**	**CUP**	**P**	**x**
Solar Facility, Utility Scale	**x**	**x**	**x**	**x**	**CUP**	**P**	**P**	**P**	**CUP**
Warehousing, Primary	**x**	**x**	**x**	**x**	**CUP**	**CUP**	**P**	**P**	**x**
Warehousing, Accessory	**x**	**x**	**CUP**	**x**	**P**	**P**	**P**	**P**	**x**

SECTION 4.6. AREA REQUIREMENTS

Residential Districts:

	R1	RT	R2	R-SMF	R3	R4	R5
Minimum Lot Size / Sq ft per unit							
Dwelling, Single Unit Detached	7200 SF	5,000 SF	7,200 SF	5,000 SF	5,000	4,000	5,000 SF
Dwelling, Single Unit Attached (townhomes)	NA	maximum of two attached 3,500 sf/dwelling unit	maximum of two attached 3,500 sf/dwelling unit	maximum of six attached 3,500 sf/dwelling unit 2,000 sf/ dwelling unit interior lot	maximum of ten attached 2,500 sf/ dwelling unit exterior lot 1,000 sf/ dwelling unit interior lot	NA	maximum of six attached 3,500 sf/dwelling unit 2,000 sf/ dwelling unit interior lot
Dwelling, Single Unit, Zero Lot Line (one lot line-not attached)	NA	NA	NA	3,500 SF	2,500 SF	NA	3,500 SF
Dwelling, Two Unit	NA	NA	12,000 SF (6,000 SF per unit)	6,000 SF (3,000 SF per unit)	6,000 SF (3,000 SF per unit)	NA	6,000 SF (3,000 SF per unit)
Dwelling, Three - Six attached Unit	NA	NA	NA	3,000 SF/dwelling unit	2,500 SF/dwelling unit	NA	2,500 SF/dwelling unit
Dwelling, Multi Unit	NA	NA	NA	NA	1,500 SF/unit	NA	2,500 SF/unit
Dwelling, Live/work	NA	NA	NA	Allowed	Allowed	NA	Allowed
Dwelling, Factory Built Housing	NA	NA	NA	NA	NA	Allowed	Allowed

Dwelling, Manufactured Housing	NA	NA	NA	NA	NA	4,000 SF /dwelling unit	NA
Dwelling, Tiny Home Only allowed via PZD							
Dwelling, Accessory Dwelling Unit	Allowed	Allowed	Allowed	Allowed	Allowed	Allowed	Allowed
Nonresidential or Mixed Use	1 acre	10,000 SF	1 acre	5,000 SF	5,000 SF	1 acre	5,000 SF
Height and Width Requirements *							
Maximum Building Height (residential)	30'	35'	30'	35'	38'*	30'	38'*
Maximum Building Height (nonresidential)	35'	35'	35'	35'	38'*	30'	38'*
Lot Width Minimum (residential)	72'	45' Single Unit detached 72' Two Unit	72' Single Unit detached 100' Two Unit	45' Single Unit detached 72' Two Unit 200' Multi Unit	45' Single Unit detached 72' Two Unit 200' Multi Unit	45'	45' Single Unit detached 72' Two Unit
Lot Width Minimum (nonresidential)	200'	40'	200'	100'	200'	200'	40'
*** per special permission by the Fire Marshal and approval by the Planning Commission, this may be increased.**							
Setbacks for 1 and 2 story Residential Structures. Setbacks may be increased for structures 3 stories and above when adjacent to triggering properties							
Front Setback (measured from ROW on MSP) **Side Setback**	25' 7'	20' 5'	25' 7'	20' 7' Single Unit and Two Unit	25' 7' Single Unit and Two Unit	25' 7'	

				10' Multi Unit, Zero Lot Line	10' Multi Unit		
Street Side Setback (measured from ROW on MSP)	25'	15' on public street 7' on alley	25'	15'	25'	25'	
Rear Setback	16'	5'	16'	16'	16' Single Unit and Two Unit 25' Multi Unit	16'	
Setbacks for 1 and 2 story Nonresidential Structures. Setbacks may be increased for structures 3 stories and above when adjacent to triggering properties							
Front Setback (measured from ROW on MSP)	30'	20'	30'	20'	30'	30'	
Side Setback	50'	7'	30'	10'	30'	50'	
Street Side Setback (measured from ROW on MSP)	50'	15'	30'	15'	25'	50'	
Highway Setback	50'	50'	50'	50'	50'	50'	
Rear Setback	50'	5'	50'	20'	30'	50'	
Build-to zone							
Front Build-to zone (measured from ROW on MSP)							10'-15' for sidewalk
Side Build-to zone							0-10'
Street Side Build-to zone (measured from ROW on MSP)							10'-15' for sidewalk
Rear Build-to zone							NA
Building footprint allowances and building coverage area							

Maximum Building Footprint requirements for all non-single unit residential and nonresidential structures (multiple structures can be allowed on one lot)	10,000 SF	8,000 SF	10,000 SF	8,000 SF	10,000 SF	10,000 SF	8,000 SF
Maximum Building Footprint Coverage Area	60%	60%	60%	60%	65%	60%	65%

*** Fire Code regulations may require greater setback distances or fewer allowable stories than those given in this chart**

"Triggering Properties" include: Properties zoned R1, RT, R2, RSMF, R3 as well as property occupied by a single-family dwelling unit that is a use permitted by right in the zoning district in which it is located.

Mixed Use and Industrial Districts:

	RO	C1	C2	C3	C4	C5	C6	I	A1
Minimum Lot Size / Sq ft per unit									
Dwelling, Single Unit Detached	7,200 SF	**CUP ONLY**	**CUP ONLY**	5,000 SF	5,000 SF	5,000 SF	5,000 SF	**CUP ONLY**	3 acres
		No new single-unit residential subdivisions permitted. Only one residence per existing lot may be placed	No new single-unit residential subdivisions permitted. Only one residence per existing lot may be placed	No new single-unit residential subdivisions permitted. Only one residence per existing lot may be placed	No new single-unit residential subdivisions permitted. Only one residence per existing lot may be placed	No new single-unit residential subdivisions permitted. Only one residence per existing lot may be placed	No new single-unit residential subdivisions permitted. Only one residence per existing lot may be placed	No new single-unit residential subdivisions permitted. Only one residence per existing lot may be placed	
Dwelling, Single Unit Attached (townhomes)	maximum of two attached	maximum of six attached	maximum of ten attached	maximum of six attached	maximum of ten attached	NA	NA	NA	NA
	3,500 sf/dwelling unit	3,500 sf/dwelling unit	2,500 sf/ dwelling unit exterior lot	3,500 sf/dwelling unit	2,500 sf/ dwelling unit exterior lot				
		2,000 sf/ dwelling unit interior lot	1,000 sf/ dwelling unit interior lot	2,000 sf/ dwelling unit interior lot	1,000 sf/ dwelling unit interior lot				

Dwelling, Single Unit, Zero Lot Line (one lot line- not attached)	3,500 SF	NA	NA	NA	NA	NA	NA	NA	NA
Dwelling, Two Unit	NA	NA		12,000 SF (6,000 SF per unit)	NA	NA	NA	NA	NA
Dwelling, Three - Six attached Unit	NA	NA	NA	3,000 SF/dwelling unit	NA	NA	NA	NA	NA
Dwelling, Multi Unit	3,000 SF / unit	Allowed	NA	NA	1,500 SF/unit	NA	NA	NA	NA
Dwelling, Live/work	Allowed	Allowed	NA	Allowed	Allowed	Allowed	Allowed	NA	NA
Dwelling, Manufactured Housing	NA	NA	NA	NA	NA	NA	NA	NA	3 acres
Dwelling, Tiny Home	Only allowed via PZD	NA	Only allowed via PZD	Only allowed via PZD	Only allowed via PZD	Only allowed via PZD	Only allowed via PZD	Only allowed via PZD	Only allowed via PZD

Dwelling, Accessory Dwelling Unit	Allowed	Allowed	Allowed	Allowed	Allowed	Allowed	Allowed	Allowed	Allowed
Nonresidential or Mixed Use	7,200 SF	2,000 SF	10,000 SF	5,000 SF	10,000 SF	10,000 SF	10,000 SF	10,000 SF	3 acres
Height and Width Requirements									
Maximum Building Height (residential)	35'	35'	38'*	35'	38'*	35'	38'*	38'*	35'
Maximum Building Height (nonresidential)	35'	35'	38'*	35'	38'*	38'*	38'*	38'*	38'*
Lot Width Minimum (residential)	72' Single Unit detached	15'	40' Single Unit detached	40' Single Unit detached	40' Single Unit detached	40' Single Unit detached	40' Single Unit detached	40' Single Unit detached	72'
	100' Multi Unit		72' Two Unit	72' Two Unit	72' Two Unit	72' Two Unit	72' Two Unit	72' Two Unit	
			200' Multi Unit	200' Multi Unit	200' Multi Unit	200' Multi Unit	200' Multi Unit	200' Multi Unit	

Lot Width Minimum (nonresidential)	72'	15'	40'	40'	40'	72'	72'	72'	200'
*** per special permission by the Fire Marshal and approval by the Planning Commission, this may be increased.**									
Setbacks for 1 and 2 Residential Structures. Setbacks may be increased for structures 3 stories and above when adjacent to triggering properties									
Front Setback (measured from ROW on MSP)	25'		25'	25'	25'	25'	30'	30'	30'
Side Setback	7'		7'	7'	7'	7'	20'	20'	20'
Street Side Setback (measured from ROW on MSP)	25'		25' on public street	25' on public street	25' on public street	7'	30'	30'	30'
			20' on alley	15' on alley	7' on alley				
Rear Setback	16'		16'	16'	16'	16'	30'	30'	30'
Setbacks for 1 and 2 Nonresidential Structures. Setbacks may be increased for structures 3 stories and above when adjacent to triggering properties									
Front Setback (measured from ROW on MSP)	25'		25'	25'	25'	25'	30'	50'	30'
Side Setback	7'		7'	7'	7'	25'	20'	25'	20'

Street Side Setback (measured from ROW on MSP)	25'		25' on public street	25' on public street	25' on public street	25' on public street	30'	50'	30'
			25' on alley	25' on alley	7' on alley	25' on alley			
Highway Setback	50'		50'	50'	50'	50'	75'	100'	50'
Rear Setback	16'		16'	16'	16'	25'	30'	25'	30'
Build-to zone									
Front Build-to zone (measured from ROW on MSP)		6'-12' for sidewalk							
Side Build-to zone		0'							
Street Side Build-to zone (measured from ROW on MSP)		6'-12' for sidewalk							
Rear Build-to zone		NA							
Building footprint allowances and building coverage area									

Maximum Building Footprint requirements for all non-single unit residential and nonresidential structures (multiple structures can be allowed on one lot)	10,000 SF	NA	NA	20,000	NA	NA	NA	NA	NA
Maximum Building Footprint Coverage Area	60%	100%	65%	60%	65%	60%	60%	60%	40%
*** Fire Code regulations may require greater setback distances or fewer allowable stories than those given in this chart**									
"Triggering Properties" include: Properties zoned R1, RT, R2, RSMF, R3 as well as property occupied by a									

single-family dwelling unit that is a use permitted by right in the zoning district in which it is located.

SECTION 4.7. PLANNED ZONING DISTRICT / PLANNED UNIT DEVELOPMENT

4.7.1. Applicability. To be considered for a Planned Zoning District or Planned Unit Development, the applicant shall meet the following criteria:

(a) Location. Any property located within the city limits is eligible for a Planned Zoning District (PZD) or Planned Unit Development (PUD). Upon City Council approval, an owner or developer of a specific piece of property located within the City's designated planning area may be authorized to submit a PZD or PUD application in conjunction with an annexation request, but final approval of the PZD or PUD will not be effective until said property is annexed into the City of Gravette.

(b) Size. There shall be no minimum or maximum tract size for a PZD or PUD application.

4.7.2. Purpose. The intent of the Planned Zoning District or Planned Unit Development is to permit and encourage comprehensively planned zoning and development whose purpose is redevelopment, economic development, cultural enrichment or to provide a single-purpose or mixed-use planned development and to permit the concurrent processing of zoning and development. The Planning Commission and City Council may consider any of the following factors in review of a Planned Zoning District or Planned Unit Development application.

(a) Flexibility. Providing for flexibility in the distribution of land uses, in the lot sizes and standards of development and in other matters typically regulated in zoning districts.

(b) Compatibility. Providing for compatibility with the surrounding land uses.

(c) Harmony. Providing for an orderly and creative arrangement of land uses that are harmonious and beneficial to the community.

(d) Variety. Providing for a variety of housing types, employment opportunities or commercial or industrial services, or any combination thereof, to achieve variety and integration of economic and redevelopment opportunities.

(e) No Negative Impact. Does not have a negative effect upon the future development of the area;

(f) Coordination. Permit coordination and planning of the land surrounding the PZD or PUD and cooperation between the city and private developers in the urbanization of new lands and in the renewal of existing deteriorating areas.

(g) Open Space. Provision of more usable and suitably located open space, recreation areas and other common facilities that would not otherwise be required under conventional land development regulations.

(h) Natural Features. Maximum enhancement and minimal disruption of existing natural features and amenities.

(i) Future Land Use Plan. Comprehensive and innovative planning and design of mixed use yet harmonious developments consistent with the guiding policies of the Future Land Use Plan.

(j) Special Features. Better utilization of sites characterized by special features of geographic location, topography, size, or shape.

(k) Recognized Zoning Consideration. Whether any other recognized zoning consideration would be violated in this PZD or PUD.

4.7.3. Rezoning. Property may be rezoned to the Planned Zoning District by the City Council in accordance with the requirements of this section and the City of Gravette's Unified Development Code.

(a) Each rezoning parcel shall be described as a separate district, with distinct boundaries and specific design and zoning standards. The rezoning shall include the adoption of zoning standards and a specific master plan.

(b) All uses identified within the Use Table may be allowed as permissible uses or conditional uses, unless otherwise specified, subject to City Council approval of the Planned Zoning District or Planned Unit Development request.

(c) Due to the nature of PZD or PUD zoning:
  (1) This district is not listed in the Use Table.
  (2) Any portion of a proposed PZD or PUD within any established overlay district shall conform to standards within that district.

(d) Residential Lot Sizes and Standards. Residential lot sizes and standards shall be determined on the basis of the following considerations:
  (1) The lot sizes and standards of surrounding development;
  (2) The lot sizes and standards allowed under the current zoning;
  (3) The urban development goals and other policies of the city's Future Land Use Plan;
  (4) The topography and character of the natural environment; and
  (5) The impact of the proposed lot sizes and standards on the specific site and adjacent properties.

(e) Building Setback. There shall be no minimum building setback except as may be determined by the Planning Commission and City Council during review of the zoning plan based on the uses within the development and the proximity of the development to existing or prospective development on adjacent properties. Greater setbacks may be established by the Planning Commission or City Council when it is deemed necessary to provide adequate separation from adjacent properties.

(f) Building Height. There shall be no maximum building height except as may be determined by the Planning Commission and City Council during the review of the zoning plan based on the uses within the development and the proximity of the development to existing or prospective development on adjacent properties. A lesser height may be established by the Planning Commission or City Council when it is deemed necessary to provide adequate light and air to adjacent property and to protect the visual quality of the community.

(g) Building Area. The Planning Commission and City Council shall review specific proposed lot coverages which generally correspond to the guidelines for lot coverage in the respective residential, office, commercial or industrial district which most depicts said development scheme.

(h) Landscaping and Tree Preservation. Landscaping, fencing and screening related to the uses within the site and as a means of integrating the proposed development into its surroundings shall be planned and presented as a part of the zoning standards to the Planning Commission for approval.

(i) Open Space Preservation, Maintenance and Ownership. Preservation, maintenance and ownership of open spaces within the development shall be accomplished by either:

(1) Dedication by deed or easement and improvement of the land as a public park or trail system; or

(2) Creating a permanent, open space easement on and over the said private open spaces to guarantee that the open space remain perpetually in recreational use, with ownership and maintenance being the responsibility of an owners' association established with articles of association and bylaws, which are satisfactory to the Planning Commission.

4.7.4. Pre-Application Plan and Conference. A pre-application plan and conference is recommended to provide information to the City of the developer's intention with respect to the nature and scope of the PZD or PUD, and to allow the developer to be informed of the City's policies concerning development alternatives for the area. The formal application for PZD or PUD includes a Rezoning- Planned Zoning District or Planned Unit Development Permit Application. It shall be the responsibility of the applicant to request the pre-application conference from planning staff.

4.7.5. Planned Zoning District or Planned Unit Development Application and Development Plan.

(a) General Requirements.

(1) A development application may be processed separately from the PZD request or it may be concurrently processed with a rezoning application through the PZD or PUD process and may be conditionally approved, subject to City Council approval of the planned zoning district zoning standards.

(2) Development plans submitted with a PZD or PUD may include more restrictive development regulations than that which are included in other sections of the code, but standards shall not be established that fall below these minimum standards.

(b) Modifications to Development Plan.

(1) Minor Modifications. Minor modifications to an approved PZD or PUD development plan shall follow the criteria established for the specific development category.

(2) Major Modifications. Major modifications to an approved PZD or PUD development plan shall be submitted to the Planning Commission in a form which compares the approved submission with the desired changes.

(c) Construction of Community Amenities. Unless otherwise approved by the Planning Commission, community amenities offered as part of a PZD pr PUD development plan shall be constructed with the first phase of development.

SECTION 4.8. Additional District Provisions

4.8.1. Factory Constructed homes and automobile Trailers, Trailer Coaches, and Recreational Vehicles.

Part I: Definitions. For the purpose of this ordinance, the following words or phrases shall have the meanings set forth below:

(a) Single Family Dwelling. A building that contains only one living unit.

(b) Factory Constructed Home. A residential building that is built primarily in a factory setting and then transported to its final location for installation. Includes Manufactured Homes, Modular Homes, Tiny Homes, and Tiny Homes Plus as defined herein.

(c) Kit Home. A single-family dwelling sold as a package of building materials and plans that are manufactured off-site and then assembled on-site. A Kit Home is subject to the same construction standards and inspections as a Stick-Built Conventional Home, as defined in Section 9.1 of the Unified Development Code for the City of Gravette.

(d) Manufactured Home. A non-self propelled structure built on a chassis, constructed in a factory in accordance with the Housing & Urban Development (HUD) Manufactured Home Construction and Safety Standards, meets the definitions set forth in Arkansas Code §20-25-102, is transportable in one or more sections upon public streets or highways and duly licensable as such ,and is designed to be used as a dwelling with or without a permanent foundation when connected to the required utilities.

(e) Modular Home. A Factory Constructed Home built to Arkansas Fire Prevention Code (AFPC) standards, designed to permit its transport upon the public streets or highways solely for the purpose of moving it to a permanent site, placed on a permanent foundation, and connected to permanent utilities in compliance with the building codes of the City of Gravette. A Modular Home is not a Manufactured or Mobile Home.

(f) Tiny Home, Tiny Home Plus, and Tiny Home on Wheels.

(1) A Tiny Home is a Stick Built or Factory Constructed Home with a minimum of 100 sq. ft. and maximum of 400 sq. ft., excluding lofts, constructed according to the International Residential Code (IRC) including Appendix Q. A Tiny Home shall be placed on a permanent foundation and connected to utilities according to the building codes of the City of Gravette.

(2) A Tiny Home Plus is a Stick-Built or Factory Constructed Home with a minimum of 401 sq. ft. and maximum of 799 sq. ft., excluding lofts, constructed according to the International Residential Code (IRC). A Tiny Home Plus shall be placed on a permanent foundation and connected to utilities according to the building codes of the City of Gravette.

(3) A Tiny Home On Wheels, regardless of size, is classified as a Recreational Vehicle and is subject to land use regulations for Automobile Trailer, Trailer Coach, or Recreational Vehicle.

(4) Tiny Home and Tiny Home Plus, but excluding Tiny Home On Wheels, may collectively be referred to as “Tiny Home Dwellings.”

(g) Accessory Dwelling Unit (ADU). A self-contained and independently accessed single family living unit built on the same parcel as a single-family dwelling of greater square footage that includes its own cooking, sleeping, and sanitation facilities and complies with or is otherwise exempt from any applicable regulatory requirements. An ADU may be attached, detached, or

internal to the single-family dwelling on the lot or parcel. ADUs are subject to regulations of the City of Gravette governing same.

(h) Automobile Trailer, Trailer Coach, or Recreational Vehicle. Any vehicle or structure designed and constructed to permit temporary occupancy thereof as sleeping quarters for one or more persons and so constructed that it may be mounted on wheels and used as a conveyance on streets or highways, propelled or drawn by its own or other motive power.

(i) Mobile Home Development. A contiguous parcel of land which has been planned and improved for the placement of Manufactured Homes and which has been zoned and approved by the City of Gravette, Arkansas, for said purpose.

(j) Tiny Home Community. A contiguous parcel of land which has been planned and improved for the placement of Tiny Home Dwellings and which has been zoned and approved by the City of Gravette, Arkansas, for said purpose.

(k) Recreational Vehicle (RV) Park. A contiguous parcel of land which has been planned and improved for the placement of Automobile Trailers, Trailer Coaches, Recreational Vehicles which has been zoned and approved by the City of Gravette, Arkansas, for said purpose.

Part II. Mobile Homes, Modular Homes, and Tiny Home Dwellings

(a) Section 1: Zoning.

(1) Except as provided in Section 2 below, it shall be unlawful for any Manufactured Home to be placed or set in any area or upon any lot or property in the City of Gravette, Arkansas, other than a) in the R-4 Mobile Home District, b) a Mobile Home Development, or c) the A-1 Agricultural District.

(2) Except as provided in Section 2 below, it shall be unlawful for any Modular Home to be placed or set in any area or upon any lot or property in the City of Gravette, Arkansas, other than a) in the R-5 Modular Home District or b) the A-1 Agricultural District.

(3) It shall be unlawful for any Tiny Home Dwelling to be placed or set in any area or upon any lot or property in the City of Gravette, Arkansas, other than a) a Tiny Home Community or b) in the A-1 Agricultural District.

(b) Section 2. Preexisting.

All Manufactured Homes and Modular Homes set within the corporate limits of the City of Gravette, Arkansas, as of the date of this ordinance shall be considered legally and properly permitted so long as they are a) in either R-4 Mobile Home District or Modular Home District (no new modular home districts shall be created), as the case may be, or b) A-1 Agricultural District except as subject to the inspection provisions of this and other relevant ordinances.

(1) Any Manufactured Home built before 1976 shall be considered a nonconforming use and, if removed, shall not be replaced with another nonconforming unit.

(c) Section 3. Code Compliance.

Any Manufactured Home, Modular Home, or Tiny Home Dwelling owner wishing to set or construct such a home as allowed under this ordinance shall be required to obtain a building permit, submit specifications for the dwelling, submit same for

inspection by the Building Inspector who will determine its compliance with building codes, and connect to utility services as set forth in Section 4.n. below.

(d) Section 4. Requirements

Each Manufactured Home, Modular Home, or Tiny Home Dwelling shall be placed on an individual parcel, except for Manufactured Homes and Tiny Home Dwellings which may be placed on an individual lot within a Mobile Home Development or Tiny Home Community, respectively, and shall:

(1) Be occupied only as a single-family dwelling;
(2) Be placed in conformance with all zoning and setback requirements established for the zone in which the single-family dwelling is located, including the placement of accessory structures and ADUs.
(3) Be placed on a parcel according to a site plan approved by the Planning Department and as described on the permit application.
(4) A Manufactured Home shall have affixed to it a United States Department of Housing and Urban Development (HUD) label as evidence of compliance with the federal Manufactured Home Construction and Safety Standards.
(5) Modular Homes and Tiny Home Dwellings must be accompanied by a certification from a licensed and bonded third-party inspector showing that the structure meets the AFPC requirements.
(6) The manufacturer's installation manual, specifications, and illustration of the finished appearance of the dwelling must be provided for Modular Homes and Tiny Home Dwellings.
(7) Manufactured Homes, Modular Homes, and Tiny Home Dwellings shall be attached to a continuous permanent foundation in accordance with the building codes of the City of Gravette, which manner of placement shall be stated on the building permit and meet all manufacturer's specifications for support and anchoring.
(8) The exterior foundation material shall comply with IRC requirements.
(9) The towing tongue and running gear, including axles, shall be removed on Manufactured Homes.
(10) A minimum of eighteen inches (18") and a maximum of thirty-six inches (36") of crawl space shall be maintained for Manufactured Homes, Modular Homes, and Tiny Home Dwellings.
(11) Permanent steps shall be set at all exits.
(12) Be built to accommodate zone two (2) weather conditions or better.
(13) Must be served by City utilities meeting the established City requirements. If City utilities are not available, a septic permit issued by the Arkansas Department of Health and proof of water service must be provided.
(14) Manufactured Homes, Modular Homes, and Tiny Home Dwellings placed within the City after the effective date of this ordinance must be new in construction unless a waiver is granted from the Gravette Planning Commission.
    a. A driveway of cement or asphalt construction, with a minimum width of ten feet (10') must be poured for all Manufactured Homes, Modular Homes, or Tiny Home Dwellings as follows: All residential driveways connecting to a paved public street shall

have a concrete apron between a modified curb or edge of payment.

b. For driveways less than 100 feet in length, the entire length of the driveway shall be concrete.
c. For driveways that exceed 100 feet in length, the first 20 feet shall be concrete, as measured perpendicular from the back of curb or edge of payment. The remainder may be gravel or asphalt.
d. The concrete apron shall be a minimum of six-inch-thick concrete over four inches of compacted aggregate base course on compacted subgrade.
    i. For driveways that exceed 100 feet in length where an asphalt driveway is installed beyond the 20' concrete apron, asphalt shall be a minimum three inches ACHM surface course constructed on six inches of compacted aggregate base course on compacted aggregate.

Part III: Automobile Trailer, Trailer Coach, or Recreational Vehicle

(a) Section 1. Permitting, Fees, and Time Limits

Automobile trailers, trailer coaches, or recreational vehicles shall not be used as a permanent place of abode or as a permanent dwelling or for indefinite periods of time.

(1) It shall be permitted for guests to park an automobile trailer, trailer coach, or recreational vehicle on the premises of an occupied dwelling for a period not to exceed nine (9) days with approval of a Temporary Use Permit (TUP).
(2) It shall be permitted for a property owner to occupy an automobile trailer, trailer coach, or recreational vehicle during construction of their primary dwelling for a period not to exceed six (6) months with approval of a TUP.
(3) All owners of an automobile trailer, trailer coach, or recreational vehicle shall apply for a TUP on the day temporary occupancy begins. If temporary occupancy occurs after the close of business, the owner shall apply for the TUP the next business day. A TUP application fee shall be paid in accordance with the current fee schedule approved by the City Council.

(b) Section 2. Restrictions

(4) No person shall park or occupy any automobile trailer, trailer coach, or recreational vehicle on the premises of any unoccupied dwelling or on any lot which is not part of the premises of which said person is a guest.
(5) No person shall, within the City, park any automobile trailer, trailer coach, or recreational vehicle on any street, alley, highway, or any other public place without special approval of the City.
(6) In residential zoning districts and the A-1 Agricultural District on lots less than three (3) acres in size, the parking of one (1) automobile trailer, trailer coach, or recreational vehicle shall be permitted as an accessory use, subject to the following standards:

e. The parking space shall comply with all applicable front, side, and rear yard setback requirements for accessory structures or improvements within the zoning district in which the property is located.
f. The parking space shall be located:
    i. adjacent to and parallel with the existing primary driveway; or
    ii. beside the principal residential dwelling or an approved accessory structure; or
    iii. to the rear of the principal residential dwelling.
    iv. In all cases, the parking space shall not be located in a front yard.
g. The parking space shall be constructed with a stabilized, dust-controlled, and all-weather surface consisting of gravel, concrete, or asphalt. Grass or unimproved ground surfaces shall not qualify as an approved parking space.
h. The parking space shall be maintained in a safe and orderly condition and shall not obstruct drainage, utilities, or access to other required parking or fire lanes.

(7) Parking of automobile trailers, trailer coaches, and recreational vehicles may be allowed in Recreational Vehicle (RV) parks.

Part IV. Penalty. Any person violating any provision of this ordinance shall, upon conviction, be deemed guilty of a misdemeanor and shall be subject to such penalties as provided by law.

4.8.2. Accessory Structures and Accessory Dwelling Units

Section I. DEFINITIONS

As used in this section,

1. “Accessory Structure” means a building or structure not used for human occupancy and which is physically separated from buildings intended for human occupancy and the use of which is incidental and subordinate to the use of the principal structure.
    a. Accessory structures shall include, but not be limited to, the following:
        i. storage sheds,
        ii. shops,
        iii. lean-tos,
        iv. small pole barns,
        v. garden sheds,
        vi. carports (stick-built or portable) or garages that are physically detached from the principal structure and primarily intended for storage of a vehicle, boat, RV, or similar.
    b. Accessory structures shall not include
        i. items which primary use is for aesthetics or shade such as a gazebo or pergola.

2. “Accessory Dwelling Unit”, hereinafter referred to as “ADU,” means a self-contained and independently accessed single family living unit on the same parcel as a single-family dwelling of greater square footage that includes its own cooking, sleeping, and sanitation facilities and complies with or is otherwise exempt from any applicable

regulatory requirements. An ADU may be attached, detached, or internal to the single-family dwelling on the lot or parcel.

a. “Attached Accessory Dwelling Unit” means an addition that has one or more walls in common with the single-family dwelling.

b. “Detached Accessory Dwelling Unit” means a structure that is separate from and has no wall, roof, floor, or other structural element in common with the existing single-family dwelling.

c. “Interior Accessory Dwelling Unit” means an ADU that is housed completely within the existing residential structure.

3. “By right” means the ability to be approved without requiring:
   a. A public hearing;
   b. A variance, conditional use permit, special permit, or special exception; or
   c. Other discretionary zoning action other than a determination that a site plan conforms with applicable regulatory requirements.

4. “Gross Floor Area” means the interior habitable area of a single-family dwelling or an accessory dwelling unit measured from the interior wall surfaces.

5. “Principal Structure” means the main building that houses the primary use on the same lot whether it be a residential dwelling with living space of at least 800 sq. ft. or a commercial building.

6. “Regulatory Requirements” means the requirements determined by the City of Gravette to be necessary for approval of plans, permits, or applications and includes:
   a. The Arkansas Fire Prevention Code as adopted by the State Fire Marshal;
   b. Any locally adopted ordinances, including zoning ordinances, and amendments thereto adopted by the City of Gravette;
   c. Building codes;
   d. Design standards; and
   e. Other state and local laws, rules, and ordinances applicable to the plan, permit, or application in question.

7. “Setback” means the minimum horizontal distance between a street right-of-way or property line and the nearest wall of a building or side of a structure facing such right-of-way or property line.

8. “Shipping Container” means a large, standardized, reusable metal box designed and constructed for the transport and storage of goods, materials, or merchandise by ship, rail, or truck.

9. “Single Family Dwelling” means a detached residence designed for occupancy by one family only.

10. “Temporary Use Permit” means a permit issued to allow a use for a limited duration and/or frequency.

11. “Total Floor Area” means the horizontal area of a dwelling or building measured from the outside face of exterior walls and includes attached carports and garages but excluding decks, porches, and patios.

Section II. ACCESSORY STRUCTURES

1. Accessory Structures are permitted in all zoning districts provided that the following is met:
   a. The lot contains a Principal Structure on the lot that is in full compliance with zoning codes.
      i. Lots zoned A-1 Agricultural that are three (3) or more acres in size may contain Accessory Structure(s) without a Principal Structure.
      ii. An Accessory Structure may be constructed or placed in conjunction with the construction of the Principal Structure subject to approval of a permit by the City of Gravette; however, an approved Accessory Structure erected prior to construction of the Principal Structure shall not be inhabited.

   b. The accessory structure’s use is in full compliance with zoning codes. This includes that the lot requirements are met, and the use of the structure meets the underlying zoning requirements. Any zoning violation of an accessory structure may result in 1) a notice of violation and requirement that the structure is brought into to compliance with the underlying zoning, 2) the revocation of the permit, or 3) the structure may be required to be removed from the site if multiple violations occur or notices to comply are not addressed.
   c. Maximum Allowed Accessory Structures by Zoning District
      i. C-1, C-2, C-3, C-4, C-5, C-6, and I-1 may contain a maximum of three (3) Accessory Structures per one (1) acre of land.
      ii. Lots in Zoning Districts R-1, R-O, and A-1 with less than three (3) acres may contain a maximum of two (2) Accessory Structures per lot.
         1) Lots in Zoning Districts R-1 and R-O that are larger than one (1) acre shall be allowed two (2) Accessory Structures per acre.
      iii. Lots in Zoning Districts R-2 and R-3 may contain a maximum of one (1) Accessory Structure per building unit.
      iv. Lots in Zoning Districts R-4 and R-5 may contain a maximum of two (2) Accessory Structures per lot, except as follows:
         1) One (1) Accessory Structure will be permitted per lot within a mobile home park.
   d. This section shall not be applied to properties zoned A-1 Agricultural and having three (3) or more acres of land, commercially leased mini or self-storage facilities, or businesses which sell or rent non-habitable storage buildings.
2. Setbacks
   a. Accessory Structures ten (10) feet or less in height shall be set back a minimum of three (3) feet from any side property line that does not abut a public right-of-way, five (5) feet from any rear property line, and further as necessary to clear any public right-of-way.
   b. Accessory Structures with a height greater than ten (10) feet shall meet the setback requirements of the zoning district in which it is located.
   c. The Accessory Structure shall be separated from the principal structure as follows:
      i. By at least ten (10) feet for Accessory Structures greater than 200 square feet of floor space;

ii. By at least eight (8) feet for Accessory Structures with less than 200 square feet of floor space;
iii. Accessory Structures primarily used as a carport or garage shall be at least five (5) feet from the principal structure.

d. No part of the Accessory Structure shall be located closer to the front setback than the front facing wall of the principal structure, except for a garage or carport which shall be subject to approval by the Planning Department.

3. Building Requirements
   a. Floor Area Limits
      i. The floor area of the Accessory Structure shall have a floor space no greater than 25% of the Total Floor Area of the Principal Structure on the same lot, except as set forth below:
         1) One (1) of the Accessory Structures allowed per Section 1.b. above in the following Zoning Districts may have an Accessory Structure with a floor space no greater than 50% of the Total Floor Area of the Principal Structure on the same lot or 1,000 sq. ft., whichever is less, unless otherwise approved by the Planning Commission.
            a. Zoning Districts R-1, R-4, R-5 or R-O and containing one (1) or more acres, and
            b. Zoning District A-1 Agriculture with more than one (1) acre and less than three (3) acres.
      ii. This section shall not be applied to properties zoned A-1 Agricultural with three (3) or more acres, I-1 Industrial, commercially leased mini or self-storage facilities, or businesses which sell or rent non-habitable storage buildings.
   b. A building permit is required before construction or placement of an Accessory Structure.
      i. Accessory Structures 200 square feet and smaller shall be permitted through an Accessory Building Permit.
      ii. Accessory Structures larger than 200 square feet shall be permitted through a Building Permit and subject to all applicable building codes.
      iii. Permit fees are set forth in the Fee Schedule adopted by the City Council.
   c. No portion of an Accessory Structure may be located within an easement, a public right-of-way, primary septic field, or a secondary septic field.
   d. Any driveway serving an Accessory Structure shall comply with the Off-Street Parking Standards of the City of Gravette.
   e. Shipping Containers may not be used as Accessory Structures except as set forth below:
      i. Shipping Containers may be used in A-1 Agricultural District with less than three (3) acres and residential districts on a temporary basis not to exceed thirty (30) days in any twelve (12) month period and subject to approval of a Temporary Use Permit. Applications for renewals of Temporary Use Permits related to construction activities such as new construction or remodeling will be reviewed on a case-by-case basis and are subject to approval by the Planning Department.
      ii. Shipping Containers may be used in commercial and industrial districts on a temporary basis not to exceed ninety (90) days in any twelve (12) month period subject to approval of a Temporary Use Permit. Applications for renewals of Temporary Use Permits related to construction activities such as new construction or remodeling will be reviewed on a case-by-case basis and are subject to approval by the Planning Department.

iii. A maximum of one (1) Shipping Container shall be allowed on property zoned A-1 Agricultural District and containing three (3) to five (5) acres so long as the Shipping Container is not within sight of a public road.
iv. A maximum of two (2) shipping containers for every five (5) acres shall be allowed on property zoned A-1 Agricultural District and containing five (5) or more acres so long as the Shipping Container is not within sight of a public road.

Section III. ACCESSORY DWELLING UNITS

1. The following shall apply to all detached, attached, and interior ADUs:
   a. Only one (1) ADU shall be allowed per lot whether attached, detached, or interior to the Principal Structure.
   b. All ADUs shall require a building permit and meet applicable building code standards.
   c. The ADU shall be constructed to comply with all Regulatory Requirements and shall meet the State Fire Code regulations for separation of structures.
   d. Additional parking is not required; however, if parking is added, it shall comply with the Off-Street Parking Standards adopted by the City of Gravette.

2. All detached and attached ADUs shall conform to the following standards:
   a. The ADU shall meet all setbacks, height restrictions, and lot coverage restrictions as required by the current zoning.
   b. No part of the ADU shall be located closer to the front setback than the front facing wall of the principal structure.
   c. Portable buildings, mobile homes, campers, recreational vehicles, or Shipping Containers may not be used as ADUs. ADUs must be a Stick-Built Conventional Home as defined in Section 9.1.2 of the Unified Development Code.
   d. An ADU may not be constructed on a lot where a Principal Structure is not in existence. However, the ADU may be constructed in conjunction with the Principal Structure when both building permits are applied for concurrently.
   e. ADUs are not included in the minimum or maximum density calculations.
   f. If an ADU is detached from or attached to the single-family dwelling, it shall not be more than seventy-five percent (75%) of the Gross Floor Area of the single-family dwelling or one thousand square feet (1,000 sq. ft.), whichever is less.
   g. No portion of an ADU shall be located within an easement, a public right-of-way, a primary septic field, or a secondary septic field.
   h. An ADU shall not be required to have separate water and sewer service from the Principal Structure. However, a will-serve letter shall be required from both a municipal water system and a municipal sewer system or approval from the Arkansas Department of Health where a municipal water service or municipal sewer service is not available.
   i. An ADU shall count toward the total number of Accessory Structures allowed on the lot for the applicable zoning district.
   j. The ADU, or the land on which the ADU is located, shall not be subdivided or otherwise segregated in ownership from the Principal Structure or the land on which the Principal Structure is located, unless both resulting lots can meet all requirements of the zoning district in which the property is located independently.
3. All interior ADUs shall conform to the following standards:
   a. An interior dwelling unit shall not substantially change the footprint of the existing structure. Only minor alterations for access and building code compliance shall

be permitted. Major alterations will not be considered as interior additional dwelling units.

4.8.3. MINI-STORAGE REGULATIONS AND SELF-STORAGE FACILITY REGULATIONS

A. GENERAL

1) That the City Council finds and declares that the following regulations, attached and incorporated herein as Exhibit A, to be reasonable and necessary and hereby adapted by the City of Gravette for the City of Gravette, Arkansas.

2) That the provisions of this Ordinance are separable and if a section, phrase, or provision shall be declared invalid, such declaration shall not affect the validity of the remainder of the Ordinance.

3) That all Ordinances and Resolutions and parts thereof in conflict herewith are hereby repealed to the extent of such conflict.

4) That this Ordinance is necessary for immediate health, safety, and welfare of the citizens of Gravette, Arkansas, and therefore, an emergency is deemed to exist and this Ordinance shall be in full force and effect upon its passage

B. MINI-STORAGE AND SELF-STORAGE FACILITY REGULATIONS

a. Definition: Mini-storage or self-storage shall mean one or more permanent structure(s), meeting applicable city building requirements, which contain separate storage units or cubicles that are intended to be leased by members of the public primarily for use of personal effects and household goods. It shall also include open air or sheltered storage of recreational vehicles, campers, boats, and vehicles, and other items.

C. All mini-storage and self-storage facilities are considered to be large-scale development and must adhere to large-scale development standards, regardless of size, in addition to the requirements stated in this regulation. In the event that regulations are conflicting, the stricter shall apply.

D. All mini-storage and self-storage facilities shall adhere to adopted building codes.

E. Mini-storage and self-storage facilities shall be allowed by conditional use only in industrial or C-2, C-4, C-5, and C-6 commercial areas and prohibited in all other zoning areas.

a. To be considered for conditional use approval, the storage facility must be paired with an acceptable use on the front of the property that

is compatible with zoning (e.g. an office building in front of the storage facility); or

b. The storage facility must be set back a minimum of 200-feet from the road for sewered locations and 300-feet from the road for septic locations to allow for future development compatible with the zoning regulations.

F. The following are prohibited uses of storage facilities or areas:

a. Human or animal habitation;

b. Storage of flammable or hazardous chemicals, petroleum products, or explosives;

c. Auctions, commercial, wholesale, or non-ancillary retail sales, or miscellaneous, or garage sales;

d. The servicing, repairing, or fabrication of motor vehicles, boats, trailers, lawn mowers, appliances, or other similar equipment; and

e. The operation of power tools, spray-painting equipment, table saws, lathes, compressors, welding equipment, kilns, or other similar equipment; and

f. Any use that is noxious or offensive because of odors, dust, noise, fumes, or vibrations.

G. No unit may be used for the purpose of operating a business except for the purpose of providing storage for a business that is located off-site.

H. All exterior property and buildings including outside storage including boats, trailers, equipment, vehicles, and/or vehicles or equipment for rental use shall be screened and shielded in all seasons from view of adjacent property or public right-of-way within 5,000 feet.

I. Mini-storage or self-storage facilities located within or adjacent to any district other than industrial shall provide the following:

a. A minimum of six (6) foot tall masonry wall or other opaque decorative fence, as approved by the city, on the sides and rear of the property. Decorative fencing shall not include wood fencing or metal chain-link fences.

b. The frontage of the property shall not contain any visible exterior roll up doors. The frontage of the property shall have office buildings or storage buildings with facades mimicking standard commercial or office development or masonry wall or decorative fencing facing the street.

c. All lighting shall not exceed thirty (30) feet in height, measured from the ground, and shall be full cut-off, shielded lighting as defined by the IESNA. Such lighting shall be directed to prevent the trespass of light onto the adjacent property.

J. Mini-storage or self-storage facilities located adjacent to a residential district, residential use, or agricultural shall provide the following, in addition to all above requirements in this section:

a. An undisturbed vegetative buffer of at least fifteen (15) feet in width adjacent to those areas bordering the residential district or use. Where such buffer does not have dense pre-existing vegetation at least six (6) feet in height, one (1) tree for each thirty (30) linear feet and one (1) shrub for each five (5) linear feet shall be planted and maintained within the buffer. Fast growing species that provide dense evergreen foliage shall be used to meet these requirements and shall be subject to the approval of the City.

K. That any person seeking an exception from this regulation may make a written request to the Planning Commission and that the Planning Commission shall have the authority to approve or deny such request.

4.8.4. Campgrounds and RV Parks

A. Intent

The intended function of Campgrounds and RV Parks is to provide short-term sites (under 30 days) for RVs, tents and similar accommodations for camping, vacationing, recreation, extended work-related projects, travel or related purposes and the restrictions included in this item are intended to ensure that RV Parks do not become de facto mobile home parks. RVs occupied by park managers are specifically recognized as being exempt from this requirement.

B. Review Process Applications to develop and operate Campgrounds and RV Parks shall follow the normal development review process and any required zoning processes.

C. Development or expansion of a Campground or RV Park or the letting of any camping spaces prior to approval is prohibited.

D. Occupancy of premises without Certificate of Occupancy is prohibited.

E. Location of Campgrounds and Recreational Vehicle Parks

1. Campgrounds and RV Parks must be located adjacent to and take access from a collector or higher classification street.

F. Campground and RV Park Dimensional Requirements

1) Park Size – Minimum two (2) acres

2) Lot Frontage – 100’ Minimum

3) Campsite area – No campsite shall comprise less than 1,200sf, with a minimum width of twenty feet and a minimum depth of forty feet.

4) Density – Gross density shall not exceed thirty (30) units per acre.

G. Campground and Park Development Standards

1) Roadways – Interior park roadways shall be paved and crowned to facilitate drainage away from the traveling lanes. One-way streets shall have a minimum width of eleven (11) feet and two-way streets shall have a minimum width of twenty (20) feet, with twenty-six (26) feet at hydrant or alternate fire suppression water containment locations.

2) Parking – Each site must contain paved surface parking for one vehicle (10’ X 20’) plus an improved pad (contained/compacted gravel or similar) for RV (10’ X 25’).

3) Campsite and RV site separation – Campsites and RV sites shall be laid out so that separation between campsites and RVs shall be not less than fifteen (15) feet under any circumstances.

4) ROW Access – There shall be no direct access to campsites from public ROW.

5) Open Space – Not less than ten percent (10%) of the gross site area shall be provided for recreation or open space. Recreational facilities included but not limited to playgrounds and swimming pools, can be included to meet this requirement.

    a. Buffers – Along property lines where adjoining property is in any type residential use or is zoned for residential, there shall be provided a buffer area with a depth of not less than twenty-five (25) feet. This area shall not be used for any purpose other than to serve as a passive buffer between the campground and adjoining residential property. Additionally, an opaque screening fence shall be provided along such property lines with a height of four (4) feet forward of front yard setback line, and a height of six (6) feet in all other locations. Along property lines where adjoining land is neither zoned residential or in residential or in residential, an undisturbed vegetative buffer of at least fifteen (15) feet in width shall be required in lieu of a screening fence. Where such buffer does not have dense pre-existing vegetation at least six (6) feet in height, one (1) tree for each thirty (30) linear feet

and one (1) shrub for each five (5) linear feet shall be planted and maintained within the buffer. Fast growing species that provide dense evergreen foliage shall be used to meet these requirements and shall be subject to the approval of the City.

6) Campgrounds and RV parks shall comply with the Arkansas Fire Prevention Code

7) Plans for public restroom and shower facilities are subject to approval by the Arkansas Department of Health before construction begins.

8) Awnings/Skirting/etc. – There shall be no removal of wheels or hitches (except as necessary for emergency repair), installation of skirting/underpinning, or erection of any awnings, porches, carports, etc.; unless they are clearly temporary in nature.

9) There shall be no permanent electricity/water/sewer hook ups for each site/RV in an RV owners' name.

10) Site Numbers – Each space shall be identified by a sign with letters/numbers a minimum of three inches tall, posted in a conspicuous location on the space.

H. Utilities Underground All public utilities within a Campground or RV Park shall be underground.

I. Refuse Disposal Collection, storage and disposition of refuse shall be handled with individual receptacles at campsites, shared dumpsters placed throughout park, or some combination of the two. Dumpsters must be screened. Garbage containers must have lids. No burning of refuse shall be permitted in any campground or RV Park. Refuse shall be collected not less than one (1) per week.

J. Sewage/Sanitary Disposal Station. Every RV Park shall provide a sanitary disposal station for the sole purpose of removing and disposing of waste from RV holding tanks. Design and operation of such stations shall be reviewed and approved by the Benton County Health Department. Campground and RV Park sewage facilities shall be installed and operated according to the City of Gravette sewer and water standards.

SECTION 4.9. CONDITIONAL USE PERMITS

4.9.1. AUTHORITY

The Planning Commission shall have the authority to approve conditional uses in accordance with the provisions of this section. This shall not be a substitute for nor exempt developments from the large-scale development process.

4.9.2. PURPOSE

The purpose of this policy is to define the concept of conditional uses; to establish standards by which planning commission shall evaluate conditional uses; and to set for uses.

4.9.3. DESCRIPTION

Certain uses may or may not be appropriately located within various districts due to their unusual or unique characteristics of operation and external effects. Given their unusual character, analysis and judgment of the consequences of each development and use must be given so as to provide for such reasonable conditions and protective restrictions as deemed necessary to protect the character and integrity of the area in which uses are proposed to be located. The use may represent potential problems, however, with respect to its impact on neighboring property or to the city. For this reason, it requires careful review of its location, design, configuration, and spatial impact to determine the desirability of allowing it on a particular site.

The conditional use process must not allow an applicant to secure a use variance or be used to circumvent the intent of the zoning ordinance, large-scale development requirements, or any other city regulations. Building configurations, footprints, and outlines should be compatible with other uses permitted for a district. Whether a proposed use is appropriate in a particular location depends upon a careful evaluation of the impacts to the neighborhood and the city by the planning commission and a weighing of conditions and methods proposed by the commission or by the applicant to mitigate those impacts.

4.9.4. PROCEDURE FOR A CONDITIONAL USE REQUEST

(a) Application

The property owner shall submit an application city to the planning department in accordance with current planning department policies and procedures. Such applications shall show the location and intended use of the site and include a general statement as to the intent of the use. Applications may be obtained from the planning department. A general graphic representation of what is proposed shall be submitted as well and shall include the following:

(1) The location, size, and use of buildings, signs, land and improvements;
(2) The location, size and arrangement of parking space, loading space, driveways and street access;
(3) Proposed screening and landscaping;
(4) The use of adjoining property;
(5) Scale, north arrow and vicinity map; and
(6) Any additional information needed by the staff because of conditions peculiar to the development.

(b) Public Hearing Notification

(1) At least ten (10) business days prior to the public hearing date, the Planning Department staff shall have a public hearing notice sign posted on the subject property in an area clearly visible from the public right-of-way. In cases where the subject property fronts more than one street, a sign shall be placed along each applicable street.

(a) This sign shall be a minimum eighteen (18) inches by twenty-four (24) inches in size.
(b) The Planning Department shall be responsible for producing this sign, having the sign placed, and all associated costs affiliated with this sign except in the case of damage or theft in which the Applicant shall be responsible for replacement costs. The sign shall be designed and displayed in a manner to withstand the weather conditions present during this display period.
(c) This sign shall include pertinent information regarding the public hearing or a link thereto as specified by the Planning Department.

(1) Notice of public hearing shall be published in a newspaper of general circulation in the city at least one (1) time fifteen (15) days prior to the hearing. The content of said notice shall describe the location of the request, the size of the subject property, , the current zoning, and the proposed request. The applicant shall be responsible for the cost of this notification.

(c) Staff Review

The planning department staff shall review the proposed conditional use and report to the planning commission on its relation to and probable effect on the surrounding area as well as its compliance with the requirements of this policy and shall make recommendations to the planning commission.

(d) Public Hearing

The city planning commission shall hold one (1) or more public hearings thereon. The planning commission shall review conditional use applications at its regularly scheduled meetings, at which time interested persons may appear and offer information in support of, or against, the proposed conditional use.

(e) Planning Commission Action

The planning commission may approve, approve with conditions, deny, defer, or modify a conditional use request based on findings of fact with regard to the standards set forth in the Standards for Approval.

The planning commission may impose conditions and restrictions upon the premises benefited by a conditional use permit as may be necessary to reduce or minimize any injurious effects of the conditional use. Such action may be necessary to ensure the conditional use is compatible with surrounding property to better carry out the intent of this chapter. Once any portion of the approved conditional use permit is utilized, all such conditions pertaining to such authorization shall become effective immediately. Such conditions may include time limits for exercise of such authorization and commence within a reasonable time. The violation of any condition so imposed shall constitute grounds for revocation of the conditional use permit.

Any person who is aggrieved by the decision of the planning commission to deny a conditional use application shall have the right to appeal to the city council by submitting a written request to the city clerk within fifteen (15) calendar days of the planning commission action, along with an affidavit stating that adjacent property owners have been notified of the appeal to city council. The appeal will be placed on the city council agenda no later than the second meeting following the filing of the appeal.

(f) Conditions Binding

No conditional use which has been approved, shall begin operation until all requirements imposed by the planning commission have been met and a certificate of occupancy has been issued. The violation of any condition so imposed shall constitute grounds for revocation of the conditional use authorization. Such conditions may include time limits for exercise of the conditional use authorization; otherwise, any exercise of such authorization must commence within sixty (60) days.

No authorized conditional use shall be subsequently submitted to the board of adjustment for a variance.

4.9.5. STANDARDS FOR APPROVAL

Approval of a conditional use shall not be granted as a matter of right but shall be granted only in situations where said use is in harmony with the character of the neighborhood and zone in which it shall be located and the structure in which it is to operate meets building and fire codes as adopted by the city. In carrying out the purpose of this section, the commission's consideration shall include, but not be limited to, the following development standards and design specifics. The appropriateness of these standards shall be determined at the discretion of the planning commission for each specific conditional use location.

(a) The proposed use shall be so designated, located and operated so that the public health, safety, and welfare will be protected.
(b) The proposed land use shall be compatible with surrounding areas and the planned use for the surrounding area.
(c) The proposed use shall comply with the provision of "Conditional Uses" as set out in this policy.
(d) The proposed use shall be in conformance with all applicable provisions for the zoning district in which the use is to be located.
(e) The proposed conditional use shall be in conformance with all off-street parking and loading requirements and ingress and egress and pedestrian ways shall be adequate.
(f) Safeguards limiting noxious or offensive emissions, including lighting, noise, glare, dust, and odor shall have been addressed in the proposed use application.
(g) Landscaping and screening of the proposed use shall be in accordance with standard regulations of the zoning district and any other city landscaping regulations.
(h) Proposed use signage shall be in accordance with the current city sign regulations.

(i) Open space located on the proposed use shall be maintained by the owner/developer.
(j) The size and shape of the site, including size, shape and arrangement of proposed structures shall be in keeping with the spirit of the zoning district and neighboring properties.

The planning commission may deny a conditional use, if in its opinion, any of the above conditions cannot be met.

Major changes to a conditional use authorization must follow the same process as the original conditional use; however, the commission may delegate to the staff authority to approve minor modifications to the conditions approved, including modifications to an approved development plan.

4.9.6. COMPLAINTS

If a valid complaint is filed with the planning department concerning an alleged violation of conditional use, the planning commission shall notify the property owner of the complaint and schedule a public hearing. If, after the public hearing, the planning commission find a violation to exist and that the violation is not corrected within thirty (30) days, the planning commission may vote to discontinue the conditional use. The property owner shall be notified of the action of the planning commission and shall have fifteen (15) days from the date of the notice to discontinue the use or file and appeal with the city council. The filing of appeal stays all proceeding and the city council shall make the final determination.

4.9.7. MISCELLANEOUS

Once a conditional use is approved, that conditional use is personal to the applicant and is limited to the location to which it was approved and may only be changed to another conditional use through further action of the planning commission.

Once a conditional use is approved, that use may continue so long as it abides by any special conditions imposed by the planning commission, this policy, and any other city regulations.

No petitions for a specific conditional use which was denied shall be reconsidered by the planning commission within twelve (12) months from the date of final disapproval thereof, unless there is written evidence submitted to the planning commission which justifies reconsideration.

SECTION 4.10. OFF-STREET PARKING AND LOADING

It is the intent of these requirements that adequate off-street parking, loading, and stacking:

4.10.1. Applicability and General Requirements

(a) Off-street parking, loading, and stacking area shall be required for all uses in all zoning districts and required to meet these standards when:

(1) A principal building is built, expanded, or enlarged.

(2) A drive-through is added or expanded.

(3) An off-street parking or loading area is expanded.

(4) A use is established.

(5) A certificate of occupancy is requested.

(b) Uses in the C1 Downtown Commercial District shall be exempt from providing off-street parking. However, where off-street parking, loading, or a drive-through/stacking is provided, the standards of this section shall be met.

(c) Once established, off-street parking, loading, or stacking areas shall meet the requirements of this section. Any required off-street parking, loading, or stacking may not be removed without the approval of the Planning Commission.

4.10.2. Establishment of Off-Street Parking

Off-street parking shall be considered to be established when paved and marked for use or when used on a permanent basis. A permanent basis shall be considered once (1) per seven (7) days for a period of at least thirty (30) days or as evidenced by signs of consistent use for parking by creation of a barren spot on the ground or presence of a graveled surface. Parking areas not considered permanent shall not be subject to the requirements of the section.

4.10.3. Number of Required Spaces by Use

(a) *Non-Residential Use.* There shall be no minimum number of off-street parking spaces required for non-residential use. When off-street parking, loading, and staking is established or required to be established, the applicant shall provide a statement or parking analysis indicating how they will provide adequate parking for the proposed non-residential use to succeed without negatively impacting adjacent properties or creating or compounding a dangerous traffic condition. If the applicant does not provide this information, the Table of Off-Street Parking, Loading and Stacking shall be used to calculate the required parking.

(1) The statement or parking analysis shall, at a minimum, provide:
   a. The number of off-street parking spaces proposed on site.
   b. Number of shared parking spaces or on-street parking spaces to be considered for the parking calculation.
   c. The expected number of employees per each shift.
   d. The expected maximum number of customers, clients, guests, visitors, or attendees.
   e. Any other information showing that the proposed parking will be sufficient for the use.

(b) Residential Use. Off-street parking shall be required in an amount consistent with the Table of Off-Street Parking, Loading and Stacking.

(c) In the case of mixed or joint uses, the parking spaces required shall equal the sum of the requirements of the various uses computed separately.

(d) *Table of Off-Street Parking, Loading, and Stacking.* The following is provided as a general guide and may not include all uses.

Use	Off-Street Parking	Loading Spaces	Stacking Spaces
Residential Uses: REQUIRED PARKING			
Dwelling, Single-Two Unit	2 spaces per dwelling	N/A	N/A
Dwelling, Three-Four Unit/Multi-Unit	2 spaces per dwelling unit	N/A	N/A
Group Residence Dwelling	1 space per 2 bedrooms	1 per 25,000 sf of gross floor area up to 5	N/A
Other Residential	1.5 spaces per dwelling	N/A	N/A
Public, Civic, and Institutional: GUIDELINES, shall be used if a parking estimate is not provided			
Adult Daycare	1 per employee	1 per employee	N/A
Child Care, Limited	1 per employee	1 space per 10 children	N/A
Child Care, General	1 per employee	1 space per 10 children	N/A
Community Building or Center	1 per 250 sf of gross floor area	1 per 25,000 sf of gross floor area up to 5	N/A
Funeral Homes	1 per 4 seats in the auditorium + 1 per 2 employees	1 per 25,000 sf of gross floor area up to 5	10 spaces
Government and Public Buildings, Services, and Uses	1 per 500 sf of gross floor area	1 per 25,000 sf of gross floor area up to 5	3 spaces with drive-through
Health Care, Clinics and Offices	1 per 250 sf of gross floor area	1 per 25,000 sf of gross floor area up to 5	N/A
Health Care, Hospitals	1 space per bed	1 per 25,000 sf of gross floor area up to 5	N/A
Religious Assembly	1 per 4 seats in the main auditorium	1 per 25,000 sf of gross floor area up to 5	N/A
Schools, PreK-High School, Public or Private	1 per employee + 1 per 3 driving age student	1 per 25,000 sf of gross floor area up to 5	Determined by traffic study

Use	Off-Street Parking	Loading Spaces	Stacking Spaces
Schools, College / University / Trade School	1 per employee + 1 per 3 driving age student	1 per 25,000 sf of gross floor area up to 5	Determined by traffic study
Commercial, Office, and Retail: GUIDELINES, shall be used if a parking estimate is not provided			
Automobile Repair Shop, limited	4 per service bay	1 per 25,000 sf of gross floor area up to 5	N/A
Automobile Repair Shop, general	4 per service bay	1 per 25,000 sf of gross floor area up to 5	N/A
Automobile Service Station, with fuel sales	1 per 250 sf of gross floor area	N/A	4 spaces with drive-through
Campground, RV Park, tents, and ancillary facilities	2 per campsite with hook-ups	N/A	N/A
Commercial / Retail	1 per 250 sf of gross floor area	1 per 25,000 sf of gross floor area up to 5	6 spaces with drive-through
Hotel / Motel	1 per lodging room	1 per 25,000 sf of gross floor area up to 5	N/A
Ice or other vending machine / ATM -Drive thru	N/A	N/A	4 spaces with drive-through
Indoor Entertainment	1 per 250 sf of gross floor area	1 per 25,000 sf of gross floor area up to 5	N/A
Lodging, Short Term	1 per bedroom	N/A	N/A
Offices and Services	1 per 300 sf of gross floor area	1 per 25,000 sf of gross floor area up to 5	N/A
Restaurant	1 per 150 sf of gross floor area	1 per 25,000 sf of gross floor area up to 5	10 spaces with drive-through
Self-Storage Facility	3 spaces	N/A	N/A
Industrial, Manufacturing, and Extractive: GUIDELINES, shall be used if a parking estimate is not provided			
General Industry	1 per employee	1 per 25,000 sf of gross floor area	N/A

(e) *Accessibility Requirements.* Where off-street parking is provided, the following must be met.

Total Parking Spaces	Accessible Spaces Required
1-25	1
26-50	2

Total Parking Spaces	Accessible Spaces Required
51-75	3
76-100	4
101-150	5
151-200	6
201-300	7
Over 300	2% of total
Medical Facilities	20% of total if specializing with mobility impaired patients

4.10.4. Off-Street Parking Lot Design Standards

(a) *Surfacing.* Off-street parking lots shall be surfaced meeting the following standards:

(1) *Parking and Loading Areas Accessible to the Public.* Off-street parking lots accessible to the public shall be surfaced with asphalt, concrete, or a semi-permeable surface approved by administrative officer. The phrase accessible to the public means off-street parking and loading areas accessible to the public or customers and/or off-street parking and loading areas outside of or unsecured by fencing.

Additionally, these paving standards shall apply to the following:

a. Areas in a side or rear yard that are used for the parking and storage of large equipment which could damage the parking surface.

(2) *Parking and Loading Area not Accessible to the Public.* Such areas shall be allowed to be covered with gravel. Where access by a fire apparatus vehicle is necessary such surfaces shall meet the requirements of the Arkansas Fire Prevention Code, Volume 1, Appendix D, Section D102 or the appropriate amended provision. The phrase accessible to the public means off-street parking and loading areas accessible to the public or customers and/or off-street parking and loading areas outside of or unsecured by fencing.

(b) *Driveway Aprons.* Driveway aprons shall be required to meet the paving and design standards of the Gravette Street Standards and Specifications

(c) *Barriers.* Off-street parking lots shall be designed in a manner to not permit a car to drive-off any part of the lot except through a driveway. This may be accomplished by wheel stops, curbing, or such material as approved by the Planning Department.

(d) *Striping and Marking.* Off-street parking lot spaces shall be striped to indicate the location of the individual spaces, directional arrows shall be provided at the entrance of aisles and entry drives, and accessible spaces shall be marked meeting current

Americans with Disabilities Act (ADA) requirements. Such striping and marking shall be in accordance with the Manual on Uniform Traffic Control Devices.

(e) *Maneuvering and Street Access.* Off-street parking areas and spaces shall not be arranged to require a vehicle to back into a public street or traverse over a sidewalk. This requirement shall not apply to one and two-family uses where only one structure is placed on one lot, however, it is preferred that the arrangement not require vehicles to back into a public street or traverse over a sidewalk.

(f) *Pedestrian Access.* Pedestrian access shall be provided from the street to the entrance of the structure by way of designated pathway or sidewalk.

(g) *Location.* Off-street parking areas shall be located on the same lot as the use which it services, be subject to a shared parking agreement, or be located on an adjacent lot with a filed use agreement that ties the parking to the use allows the property on which the use is located to have access and the ability to maintain the off-street parking lot. Such agreements shall be filed with the Benton County, Arkansas Circuit Clerk.

(h) *Dimensional Requirements.* Off-street parking spaces shall conform to the following dimensional requirements:

Parking Cell Type	Width	Depth	Maneuvering Area
Parallel	22 feet	9 feet	11 feet
Right Angle	9 feet	20 feet	24 feet
Sixty Degrees Angle	9 feet	18 feet	24 feet
Forty-five Degree Angle	9 feet	18 feet	20 feet

4.10.5. Off Street Loading and Unloading Requirements

(a) *The following rules and regulations shall apply to off-street loading and unloading facilities:*

(1) Loading shall occur solely within the subject property. Loading shall not occur in Rights-of-Way.
(2) Loading Space size:
    a. A required off-street loading space shall be at least ten (10) feet in width by twenty-five (25) feet in length, exclusive of aisle and maneuvering space, and shall have a vertical clearance of at least fourteen (14) feet.
    b. Where trailer trucks are involved, such loading and unloading space shall be an area twelve (12) feet in width by forty-five (45) feet in length and shall have a vertical clearance of at least fourteen (14) feet. The space shall be designed with appropriate means of truck access to a street or alley, as well as having adequate maneuvering area.
    c. Off-Street loading spaces may be located either within a building or in the parking lot area.

4.10.6. Shared Parking

Shared parking agreements may be allowed in meeting any non-residential off-street parking requirements. Such agreements shall be filed with the Benton County, Arkansas Circuit Clerk, provide for the maintenance of the lot, provide for the joint use of the off-street parking lot for the lifespan of the uses or buildings regardless of owner, successor, or heir.

SECTION 4.11. GENERAL REGULATIONS

4.11.1. Annexed Area

(a) Lands which are hereafter annexed to the City of Gravette shall come into the City as A-1 Residential Agricultural District unless the ordinance annexing said lands specifies a zoning district other than the A-l Residential Agricultural District.

4.11.2. Completion of Existing Building.

(a) Nothing herein contained shall require any change in plans, construction or designated use of a building actually under construction at the time of the effective date of these regulations. Under construction shall mean that a building permit has been issued and the permit is still a valid permit.

4.11.3. Occupation Permitted in Residential Structures Utilized for Residential Purpose in the Residential Districts.

1. An occupation may be carried on in a residential structure in the residential district only when it:

    i. Does not require the use of more than twenty-five (25) percent of the space normally considered as living space.
    ii. Does not require the use of an accessory building or yard space or an activity outside the main structure not normally associated with residential uses.

(b) Does not have a sign in excess of four (4)-square feet to denote the business, occupation, or profession, and such sign must be attached to the structure. (Refer to signage requirements.)

(c) Does not involve the display of goods or services.

4.11.4. Lot Area.

(a) On any lot in the residential district for which there is a plat of record or recorded deed at the time of passage of this ordinance, a single-family

structure may be erected, even though the lot be of less area or width than required by the regulations of the residential area in which the lot is located.

4.11.5. Non-Conforming Uses.

(a) Uses of land, uses of structures or uses of land and structures which were lawful prior to the passage of this ordinance but became unlawful because of the requirements of this ordinance shall be considered non-conforming uses.

(b) A non-conforming use of land and/or structures may be continued so long as it remains otherwise lawful.

(c) Once a non-conforming use is changed to a permitted use in the district, the non-conforming use shall not be reestablished.

(d) Any use of a structure or land not permitted, or any structure not intended for uses permitted may not be rebuilt or reestablished if damaged in excess of three-fourths of its fair sales value within six (6) months of the damage.

(e) A non-conforming use which is vacant or ceases operation for a period of one (1) year shall not be reestablished and future use of the land or structure shall conform to the requirements of this ordinance.

4.11.6 Access

(a) All lots shall have access to a public street and that access shall be the frontage required by this ordinance immediately abutting the public street.

4.11.7 Additional uses.

(a) The Board of Zoning Adjustment may make a determination as to whether a use not specifically listed in Section 4.5 is a similar or related use to any of the uses therein indicated and the zone into which said uses should be permitted. Upon such a determination being made, the minutes shall so reflect such a decision, and the use shall be included in the list in Section 4.5.

SECTION 4.12. BOARD OF ZONING ADJUSTMENT

4.12.1. Designation and Organization of Board of Zoning Adjustment.

(a) The Board of Zoning Adjustment, hereafter referred to as the Board, shall consist of the members of the Planning Commission.

(b) The Board shall upon its creation, meet, organize and elect its own chairman who shall serve for one year or until the successor duly qualifies. The chairman may appoint a secretary who is not a member of the Board, who shall hold office until relieved by the Board.

4.12.2. Meetings.

(a) Meetings of the Board shall be held at such times and at such place or places as the Board may designate, and may meet at any time on call of the chairman. The Board shall maintain minutes of its proceedings, which minutes shall be public record.

(b) The presence of (4) four members shall be necessary to constitute a quorum and the concurring vote of (4) four members of the board shall be necessary to reverse any order, requirement, decisions or determination of a building inspector, or to decide in favor of the applicant on any matter upon which it is required to pass under the zoning ordinance, or to authorize a variance from the zoning regulations.

4.12.3. Appeals from Decisions of the Administrative Officer

(a) The Board shall hear appeals from an administrative decision of administrative officer who shall be designated by the Mayor concerning interpretation of the zoning regulations and shall decide whether such interpretation was in error or not.

4.12.4. Variances.

(a) The board shall hear requests for variances from the literal provisions of this ordinance in instances where strict enforcement of this ordinance would cause undue hardship due to the 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 this ordinance.

(b) The Board shall not permit, as a variance, any use in a zone that is not permitted under this ordinance.

(c) The Board may impose conditions in the granting of a variance to ensure compliance and to protect adjacent property.

4.12.5. Appeal from Decision of Board.

(a) Appeal from the decision of the Board of Adjustment shall be to a court having jurisdiction.

4.12.6. Notice and Fees.

(a) Whenever an appeal or application for a variance is made to the Board, the Board shall cause to have published at the expense of the appellant or applicant a notice of the time and place of the public meeting upon such appeal or application, which notice shall be published at least once not less than seven (7) days preceding the date of such hearing in an official paper or a paper of general circulation, said notice to designate the particular location with which the appeal or application consists of. The Board shall also give or cause to be given such additional notice of such hearing to interested persons and organizations as it shall deem feasible and practicable.

SECTION 4.13. SIGNS

4.13.1. Intent

The intent of this Section shall be to regulate signs intended to be viewed from any vehicular or pedestrian public right-of-way or public/private fire apparatus road. These regulations are intended to regulate signs in a manner that balances the right of free speech through sign display against the competing public and governmental interests in community aesthetics, safety, prevention of sign clutter and visual pollution, and other negative effects associated with excessive and/or improper signage. These regulations shall be tied to and complement the Zoning Code for the City of Gravette, Arkansas.

4.13.2. Purpose

Signs are an important and necessary means of communication. When properly regulated, signs can serve as a great economic and aesthetic asset. This Section provides standards for the installation and maintenance of signs. All signs shall be installed and maintained in accordance with this Section, as applicable. The general purpose of these standards is to promote, preserve, and protect the health, safety, general welfare, convenience, and enjoyment of the public as well as to prevent the degradation of the aesthetic quality of Gravette, and to achieve the following:

(a) Safety - To promote the safety of persons and property by providing that signs:

(1) Do not create a hazard due to collapse, fire, collision, decay, abandonment, or other safety considerations;
(2) Do not obstruct firefighting, police, and private security surveillance;
(3) Do not create traffic hazards by confusing or distracting motorists;
(4) Do not impair the motorist's ability to see pedestrians, obstacles, other vehicles, or to read traffic signs and signals;
(5) Do not cause hazardous or unsafe driving conditions for motorists due to their lighting or visual motion; and,
(6) Do not otherwise interfere with or detract from the safety of persons or property.

(b) Communications Efficiency – To promote the efficient transfer of information in sign messages providing that:

(1) Customers and other persons may identify and locate a business, establishment, or service;
(2) No person or group is arbitrarily denied the use of the sight lines from the public right-of-way for communication purposes; and,
(3) The messages in signs may otherwise be communicated efficiently.

(c) Landscape Quality and Preservation – To protect the public welfare and to enhance the appearance and economy of the city by providing signs that:

(1) Do not unreasonably interfere with scenic views;
(2) Do not create a nuisance to persons using the public rights-of-way;

(3) Do not constitute a nuisance to occupancy of adjacent property by their brightness, light glare and reflection, size, height, movement, or visual movement;
(4) Are not detrimental to land or property values;
(5) Do not overwhelm people by the number of messages presented, and do not interfere with the exercise of freedom of choice to observe or ignore said messages, according to the observer's purpose;
(6) Do not create or worsen visual clutter or visual blight;
(7) Do not cover or blanket any prominent view of a structure or façade of historical or architectural significance;
(8) Do not obstruct views of users of adjacent buildings to side yards, front yards, or to open space;
(9) Are compatible with the fabric of existing neighborhoods and do not impose a foreign or inharmonious element to an existing skyline;
(10) Contribute to the special character of particular areas or districts within the city, helping the observer to understand the city and be oriented within it;
(11) Protect and preserve a quality landscape in the city; and
(12) Otherwise enhance the appearance and economy of the city.

4.13.3. Authority

This Ordinance is adopted under the authority conferred on the City of Gravette by the General Assembly of the State of Arkansas by the A.C.A. § 14-56-401 through § 14-56-426.

4.13.4. General Provisions

It shall be illegal for a person or entity to install, place, modify, move, or maintain a sign within the City of Gravette except in accordance with the regulations of this Ordinance. These regulations shall not apply to any signage which is not directly viewable from a public street, alley, trail, or publicly accessible fire-apparatus road.

4.13.5. Sign Illumination

Direct illumination shall be restricted to lightbulbs rated according to the sign manufacturer's specifications. Signs shall not be erected or illuminated in such a manner as to obscure or otherwise interfere with an official traffic sign, signal or device, or to obstruct or otherwise interfere with the driver's view of approaching, merging or intersecting traffic.

4.13.6. Prohibited Signs

The following types of signs shall be prohibited:

(a) Flashing, revolving, rotating, or moving signs.
(b) Billboards.
(c) Signs within the right-of-way.
(d) Signs imitating warning signals

(e) Sign imitating or resembling official traffic/governmental signs or signals.

4.13.7. Electronic Message Boards Electronic Message Boards

"Electronic message board" shall include any sign or structure which provides for text or background color changes, or the illusion of action, motion, or movement, through illumination via sequencing bulbs, light emitting diodes, or other electronic means.

An electronic message display board that is readily visible to drivers of vehicles on any public way must have characters of sufficient size to be easily discerned and must not constitute a safety hazard by distraction of drivers.

Blinking, flashing or pulsing illumination, or display of continuously moving pictures via electronic message boards shall not be allowed; provided, however, that the following shall not be deemed a violation of this section:

(a) Displays of vertically or horizontally scrolling text.
(b) Variation of background luminescent intensity or color at intervals of greater than once per second.

Nighttime displays shall be dimmed to one-half or less of the daytime display wattage.

Electronic message boards shall not be permitted within 200 feet of any residence or in the C-1 Downtown Commercial District.

No more than one electronic message board with two sides shall be permitted per lot of record.

4.13.8. Signs not Requiring Permits:

(a) Temporary Signs, excluding General Temporary Signs as identified in Section 4.16.1.
(b) Signs less than two (2) square feet in size that are non-illuminated and attached to a building or structure or supported by a post and arm structure, limited to one (1) per building.
(c) Window signs.
(d) Incidental signs less than four (4) square feet in size.
(e) Markers located at historic sites which were placed by local, state, tribal, or federal authorities.
(f) Signs created by landscaping and comprised only of vegetation.
(g) Handheld signs displaying protected noncommercial messages.

4.13.9. Permit Requirement and Application:

Except where explicitly exempted from permitting requirements by this Ordinance, no sign may be erected, transferred, rebuilt, changed, or structurally

altered unless a permit has been issued by the Administrative Official or his/her designee. Addition or modification of illumination of any existing sign which changes the form or intensity of the sign's lighting shall require a sign permit.

Maintenance of existing signs, including change of copy, painting of support structures, and same for same exchange of lighting elements shall not require a sign permit. Sign design changes or structural alteration of a sign or sign support structure shall not be considered maintenance.

(a) Applications

Application for a sign permit shall be made by means provided by the City of Gravette and shall contain at least the following:

(1) Applicant Information. Name and address of the applicant and/or contractor.
(2) Location Information. Street address and/or location of the property where the signage will be located.
(3) Property Owner/Authorized Agent. Name and address of the property owner of the sign location along with proof the applicant is an authorized agent of the property owner, if the applicant is not the property owner.
(4) Scaled Site Plan. A scaled site plan showing the location(s) of the signage on the property or building and showing street right-of-way, property lines, and easements as well as relationship to major site features such as buildings, parking, etc. For wall signs, provide dimension of walls and all wall signs (including windows) on the affected building elevation(s).
(5) Scaled Sign Drawing. A scaled drawing(s) of the signage showing the design and including dimensions of the sign height, area, design, content, and dimensions of the sign as well as the design and dimensions of any measures used to support the sign or used to affix the sign to a wall, window, or the ground.
(6) Materials List and Illumination Design. Indication of materials used for the signage along with details/design on how the sign will be illuminated.
(7) Sign Calculations. Computation of the total sign area, the area of each individual sign, the height of each sign, and the total number and size of existing and proposed signs on the site or structure.
(8) Structural Plans. Structural design plans developed by a licensed professional engineer shall be required for any sign with a support structure exceeding twenty (20) feet tall.
(9) ARDOT Approval. Any Sign Permit Application for a sign to be installed along I-49 or AR Hwy. 59 must be accompanied with documentation of approval by the Arkansas Department of Transportation (ARDOT) Beautification Section.
(10) Other Information. Other information as required by the Administrative

Official or his/her designee that is reasonably necessary to demonstrate compliance with these regulations.

(b) Application Approval and Issuance

The Administrative Official or his/her designee shall be charged with review of all sign permit applications based upon provisions of this Section and other applicable regulations. Review shall be completed within thirty (30) days from receipt of the completed application, including all fees. A decision must be rendered to approve, deny, or provide notice of deficiencies in the application by the end of this sixty (60) day review period. A notice of deficiencies in the application will be provided in writing to the applicant. An application shall only be approved when full compliance of the application with these regulations is demonstrated. False statements or misrepresentations of facts in the application may constitute grounds for denial of an application. For any application which is denied, a written explanation of denial will be provided to the applicant.

(c) Fees.

Contact the City of Gravette for the schedule of fees.

Fees shall be submitted and paid prior to review of the application. All fees are non-refundable. All fees shall be in addition to any applicable state trade fees and any additional inspection/permit fees.

4.13.10. SIGNS PERMITTED

4.13.11. Temporary Signs:

Zoning District(s)	Temporary Sign Types Allowed	Land Use	Limitations
All Zones	Temporary signs when a building or parcel/lot is under construction or renovation.	Residential Use (single and two-family)	Number Allowed: 2 per building or parcel/lot.
			Maximum Size: 32 sq. ft. each
		Nonresidential and Multifamily (three or more units) Use	Number Allowed: 2 per building or parcel/lot.
			Maximum Size: 64 sq. ft. each
All Zones	Temporary signs when a building or parcel/lot is for	Residential Use	Number Allowed: 1 per frontage and/or 1 per tenant lease space. 1 additional sign allowed for no more than 36 hours when the property is open to the public.

Zoning District(s)	Temporary Sign Types Allowed	Land Use	Limitations
	sale, lease, or rent.		Maximum Size and Height: 6 sq. ft. and 6 ft. tall
		Nonresidential Use	Number Allowed: 1 per frontage and/or 1 per tenant lease space.
			Maximum Size and Height: 48 sq. ft. and 8 ft. tall.
All Zones	Temporary signs during elections.	All	Display Time Duration: 90 days prior or 7 days following any federal, state, or local election authorized by the Benton County Election Commission and held in the jurisdictional area of these regulations.
All Zones	Temporary signs when a garage or yard sale is conducted at a building or parcel/lot.	Residential Use	Number Allowed: 1 per frontage plus a maximum of two (2) off-premises signs
			Installation: Ground mounted on a stake or wire frame.
			Maximum Size and Height: 6 sq. ft. and 4 ft. tall.
			Time Duration: No more than 72 hours.
All Zones	General Temporary Sign	Nonresidential Use	Number Allowed: 1 per building/lot.
			Maximum Size: 32 sq. ft.
			Display Time Duration: 60 days per year. The 60-day period shall be counted from the date of issuance of the permit.
R-3, R-5, R-O, C-1, C-2, C-3, C-4, C-5, C-6	A-frame Sign	Nonresidential Use	Number Allowed: 1 per building.
			Maximum Size and Height: 6 sq. ft. and 3 ft. tall.
			Other: May only be placed on sidewalk immediately in front of business. Must maintain a 5 ft. clearance for pedestrians.

4.13.12. Residential Districts (A1, R1, RT, R2, R-SMF, R3, R5, RO)

Signs Allowed	Form	Limitations
	Monument Sign	Number Allowed: 1 sign per frontage external to the subdivision or neighborhood.

Signs Allowed	Form	Limitations
Sign at the entry of a neighborhood or subdivision		Maximum Size and Height: 48 sq. ft. each and 6 ft. tall sign face plus a base not to exceed 2 ft. in height. Illumination: Indirect lighting only
		Setback: May be placed 10' from the property line, provided it does not extend into the clear sight triangle or easement.
Sign at the entry of a multifamily development	Monument Sign	Number Allowed: 1 sign per entry.
		Maximum Size and Height: 36 sq. ft. each and 6 ft. tall sign face plus a base not to exceed 2 ft. in height Illumination: Indirect lighting only
		Setback: May be placed 10' from the property line, provided it does not extend into the clear sight triangle or easement.
Wall signs for nonresidential use	Wall Sign	Number Allowed: 1 sign per building for single tenant. 1 sign per tenant for multi-tenant buildings.
		Maximum Area: 10% of the area of the building elevation where the sign is installed.
Freestanding signs for nonresidential use	Monument Sign or Two-Pole Sign	Number Allowed: 1 sign.
		Maximum Size and Height: 48 sq. ft. and 6 ft. tall. Illumination: Indirect lighting only
		Setback: May be placed 10' from the property line, provided it does not extend into the clear view zone or easement.

4.13.13. Commercial and Industrial Districts (C1, C2, C3, C4, C5, C6, O, I)

Signs Allowed	Form	Limitations
On-site/off-site freestanding signs on a parcel/lot with a primary building(s). *(5 acres or less)* NOT ALLOWED C-1	Freestanding Sign	Number Allowed: 1 sign per frontage.
		Maximum Size and Height: 75 sq. ft. each and 30 ft. tall.
		Setback: May be placed 10' from the property line, provided it does not extend into the clear view zone or easement.
On-site/off-site freestanding signs on a parcel/lot with	Freestanding Sign	Number Allowed: 1 sign per frontage.
		Maximum Size and Height: 100 sq. ft. each and 30 ft. tall.

Signs Allowed	Form	Limitations
a primary building(s). *(5 to 20 acres)* NOT ALLOWED C-1		Setback: May be placed 10' from the property line, provided it does not extend into the clear view zone or easement.
On-site/off-site freestanding signs on a parcel/lot with a primary building(s). *(20 acres or more)* NOT ALLOWED C-1	Monument Sign or Two-Pole Sign	Number Allowed: 1 sign per frontage.
		Maximum Area: 150 sq. ft. each and 30 ft. tall. Illumination: Indirect lighting only
		Setback: May be placed 10' from the property line, provided it does not extend into the clear view zone or easement.
Wall-attached signs for primary building(s).	Wall Sign	Number Allowed: No limit, provided area requirements are met.
		Maximum Size: 10% of aggregate area of building elevation, excepting doors, windows and bays, where the sign is installed. (Area includes wall signs and window signs).
		Other: Allowed on each building elevation for primary/principal buildings.
Incidental Sign	All	Number Allowed: No limit, provided area requirements are met.
		Maximum Size: 4 sq. ft. per sign, 16 sq. ft. per occupancy.

4.13.14. Clear Sight Triangle:

Regulations found in this section shall apply to signage, including all lots abutting an alley or driveway.

No sign shall be placed in a manner that shall constitute a hazard to traffic.

4.13.15. NONCONFORMING SIGNS:

(a) Nonconforming Signs Generally

A nonconforming sign is any permanent sign that was legally established and maintained in compliance with the provisions of all applicable laws in effect at the time

of original installation but that does not now comply with the provisions of this sign ordinance.

(b) Continued Use

A legally established sign which fails to conform to this Section and other applicable regulations shall be allowed continued use. A pre-existing nonconforming sign shall not be expanded, moved, or relocated. New replacement signage shall meet current standards, except as otherwise expressly allowed by this Section.

(c) Loss of Nonconforming Status

If the structural components of the sign including the face support structure/cabinet is damaged or unintentionally destroyed, the structure and face may be replaced with a sign face support structure and sign face complying with the current adopted standards of this Section. If damaged to the extent of more than fifty percent (50%) of the replacement cost, the sign may not be replaced. The determination of damage shall be based on the average of three (3) estimates from three (3) separate sign companies.

A sign shall lose nonconforming status if altered in any way except toward compliance with this Article. This does not refer to change of copy, face of the sign, or normal maintenance. Normal maintenance does not include the replacement of structural elements.

4.13.16. Variances

1. Variances from the technical requirements (area, height, etc.) of this Ordinance may be sought in the manner prescribed for variances under the terms of Zoning Ordinance of Gravette, Arkansas. All the same application, review, and approval criteria shall apply to variance applications made to seek relief from this Ordinance.

ARTICLE 5 SUBDIVISION AND DEVELOPMENT CODE

SECTION 5.1. GENERAL

5.1.1. Title

These regulations shall officially be known, cited, and referred to as the Subdivision & Development Code for the City of Gravette, 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 Gravette 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 monumentation 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 Subdivision & Development Code is promulgated in accordance with the authority cited in Arkansas Code Annotated § 14-56-401 through § 14-56-426, which includes all lands within the Cities adopted Planning area, as authorized under ACA §14-56-413 – Territorial Jurisdiction.

5.1.5. Application

The Subdivision & Development Code shall apply to the following types of land subdivision.

(a) All subdivisions, regardless of existing use and/or future use, or platting of a tract lot parcel of land into two or more tracts, lots, sites, or parcels.

(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 General Plan

(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 for all commercial, industrial, institutional, and multifamily residential uses.

(e) Additions to all commercial, industrial, institutional, and multifamily developments when applicable.

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 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 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 way of conveying ownership via 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:

(1) 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.
(2) 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.

5.1.9. Amendments

All amendments to the text of Article 5 of this code must conform procedurally to the applicable amendment processes laid out in Arkansas Code Annotated 14-56-420, 14-56-422, 14-56-423 as updated.

(a) The City Council may amend the code by a majority vote, or 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 fifteen (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.

5.1.10. 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 ‘waivers of conditions’, including exceptions so that substantial justice may be done and the public interest secured. In order to approve said ‘waivers of conditions’, it must be demonstrated that the ‘waiver of conditions’ will not effectively nullify the purpose and intent of these regulations; and further provided the Planning Commission shall not approve a waiver of conditions unless, based upon the evidence presented to it in each specific case, it makes findings of fact that entail the following:

(a) The granting of the ‘waiver of conditions’ will not be detrimental to the public safety, health, 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) The hardships presented by the applicant are not financial or monetarily based;

(d) 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; Note:

(1) 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.
(2) That in addition to the conditions listed above, there would be no public benefit served by a strict application of the pertinent regulations.

5.1.11. Stipulations running with a Waiver

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

5.1.12. Procedures for Waiver of Conditions

A petition for a waiver of conditions (variance or special exception) shall be submitted in writing by the applicant 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. Fees shall be paid according to the fee schedule in Section 2.6

5.1.13. Findings of Fact for Waiver of Conditions

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 waiver is granted**.** Waivers 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 or monetary hardship to the developer, standing alone, shall not be deemed to constitute undue hardship.

5.1.14. Appeals

See Section 2.4

5.1.15. Enforcement, Violations, and Penalties

See Article 3

5.1.16. Vacation of Plats

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

(a) To pursue vacation of a plat or any potion of a plat, a written request from the property owner(s) shall be filed with the Administrative Official. The Official shall confer with the City Attorney regarding the proper process for the vacations desired in compliance with State Law. Once the City Attorney has determined the process needed; this process shall be executed by the appropriate City Officials and/or the City Council.

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 land is proposed to be made, or a large-scale plan is to be considered, the applicant, or authorized agent, may submit to the Administrative Official sketch plats and data concerning existing conditions within the site and in its vicinity, and which shall convey the intentions of the applicant as to the proposed layout and type of development.

5.2.2. Plat Specifications

In conjunction with a pre-application conference with the Planning Commission, the applicant 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, scaled topographic survey (geodetic), shall show the proposed layout of streets, lots, and other features and their relationship to the surrounding development patterns.

(c) Written Information - Written information, in the form of a ‘project description cover letter’, shall include the following: The owner authorized applicant's name and address, property owner(s) name, address, acreage of the subject property, area of development, area of proposed land uses relative to the development area and entirety of property, 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,

(1) When public sewer is not available, documentation supporting the location and feasibility of on-site septic and disposal systems (OSSDS).

(e) When public water is not available, documentation supporting alternative potable water sources.

(f) Fees and Forms - No special forms or fees are required.

SECTION 5.3. GENERAL PRINCIPALS

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

5.3.1. Suitability of the Land

(a) Land subject to flooding, including land not within the FEMA regulated floodplain, improper drainage, or any land deemed to be topographically 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.

5.3.2. 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. In particular, land within the 100 year flood plain as defined by the U.S. Army Corps of Engineers, FEMA, or the appropriate federal agency shall not be platted unless the applicant shall incorporate such improvements as will render the area substantially safe for development and in accordance with all flood plain regulations.

(b) Floodplains-The City will encourage proper protections for the platting of property for Development purposes that is in a natural floodplain or other area that is subject to flooding. Land may not be platted and subdivided except in conformance to the Floodplain Regulation of the City.

5.3.3. Adequacy of Public Facilities and Services

Land which is neither provided, nor programmed by the City to have adequate water, sanitary sewer services or storm drainage facilities shall not be subdivided for purposes which require such services. The availability of transit services, fire protection, police protection, refuse service, public schools, and parks and recreation facilities shall also be considered by the staff in its analysis of the plat.

5.3.4. Access

1. Every Major Subdivision shall be served by a publicly dedicated street. Every lot or parcel within a major subdivision shall have direct access to a public street.
    - (1) Exceptions may be considered for Commercial/Industrial Subdivisions when a development is utilizing a shared parking lot and drive areas. Appropriate access easements shall be required.
    - (2) Exceptions may be considered for “Estate Lot Subdivisions” in which all lots are greater than three (3) acres.
        - (A) The developer shall be required to request approval to use the “Private Estate Roadway” street section in lieu of the “Local Roadway” street section if they wish to construct this alternative, private street section.
        - (B) Streets constructed to the “Private Estate Roadway” standard will not be accepted as public roads to be maintained by the City of Gravette.

(3) Exceptions may be considered for residential “Gated Community” subdivisions which are only allowed within Planned Unit Developments (PUD).

(A) Streets constructed within a residential “Gated Community” subdivision, will not be accepted as public streets to be maintained by the City of Gravette.

2. Every Minor Subdivision lot shall abut and be served by a publicly dedicated street or a private access easement.
   (1) The minimum easement width shall be 50 feet.
   (2) No more than a total of three (3) lots shall take sole access from a private easement.

3. Gated street entryways into residential subdivision developments are prohibited unless all internal streets are private, and the residential subdivision development was designed and approved as a “Gated Community” under the Planned Unit Development (PUD) provisions of the Gravette Unified Development Code.

4. Private Streets shall only be allowed within residential “Gated Community” subdivisions and Estate Lot Subdivisions.
   (1) Residential “Gated Community” subdivisions shall be required to be approved as a Planned Unit Development (PUD) by the Planning Commission. Subdivision lots within a Gated Community shall abut and be served by a private street which shall conform at a minimum to the “Local Roadway” or “Private Estate Roadway” typical section. All private streets shall be “access easements”.
   (2) The minimum easement width shall be 50 feet.
   (3) Streets within Gated Communities and Estate Lot Subdivisions shall be constructed to meet the City’s General and Technical Specifications (found in Article 6 of this code).
   (4) Covenants required.
      (A) The Property Owner’s Association (POA) covenants shall address the following: Maintenance of the private streets, greenspaces and streetlights shall be the responsibility of the developer or of a neighborhood property owners association (POA) and shall not be the responsibility of the City. The method for maintenance of streets, greenspaces, and streetlights, and a maintenance fund for those purposes, shall be established by the covenants. The covenants shall expressly provide that the City is a third-party beneficiary to the covenants only for the limited purpose of enforcing and protecting any covenants related to the management and upkeep of the City's easements. The protective covenants shall further grant the City the right to use all private streets for purposes of providing fire and police protection, sanitation service and any other municipal function.
         (1) Preliminary Plats for residential “Gated Community” subdivisions (regardless of which street section, “Local Roadway” or “Private Estate Roadway”, will be used) shall be accompanied by a set of proposed POA covenants that, if approved, shall be properly executed and recorded before approval of the Final Plat.

(2) Estate Lot Subdivisions utilizing the “Private Estate Roadway” street section shall be accompanied by a set of proposed POA covenants that, if approved, shall be properly executed, and recorded before approval of the Final Plat.

(5) All plats containing private streets and public easements shall be dedicated using the following language:

We, the undersigned owners of the real estate shown and described herein, do hereby acknowledge that we have the legal right and authority to make the property interest grants contained on and within this document. We, the undersigned owners of the real estate shown and described herein, do hereby establish, grant, and dedicate to the City of Gravette, Arkansas the easements as shown on this plat for public use and benefit. The City of Gravette is granted the rights of ingress and egress to and from said easements. The City of Gravette is granted unrestricted access to the platted private streets for purposes of access for emergency service personnel. The City of Gravette is granted the right and authority to maintain, service, and improve said easements and the improvements contained therein. Any right or authority granted above specifically regarding maintenance, service, or improvement shall be exercised in a manner chosen at the discretion of the City of Gravette. Said easements shall be for the benefit of the City of Gravette and all of its franchised utility providers. The City of Gravette and its franchised utility providers shall have the right and authority to cut, trim, or remove trees, shrubs, and other vegetation within said easements. The City of Gravette and all of its franchised utility providers shall also have the right and authority to prohibit the erection of building, structures, or fences within said easements.

5.3.5. Connectivity

Connectivity to the property lines of adjoining parcels which are currently undeveloped is required in order to provide future connectivity of the City street system. The layout and spacing of stub-out streets, regardless of sub-division type, shall generally conform to the required block lengths as established by these regulations.

5.3.6. Conformance of Rules and Regulations

All proposed subdivisions shall conform to all applicable laws, rules and regulations contained within the Comprehensive (Municipal) Plan, Master Street Plan, Zoning Ordinance, Building and Housing Codes and other standards and regulations adopted by the Gravette Planning Commission and Gravette City Council.

5.3.7. Street and Subdivision 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 Commission may change street names and subdivision names when in conflict with existing names.

5.3.8. Large Lots or Tracts

When land is subdivided into larger lots or tracts than ordinary building lots, such lots or tracts 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.

5.3.9. Waiver of Conditions

See w/ subsection 5.1.10.

5.3.10. Interpretation of Applicant

In the preceding paragraphs, the phrase: “The applicant shall be required to install…” shall be interpreted to mean that the applicant 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 applicant shall require, as a condition in the Bill 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 5.4. PLAT AND SITE (LARGE SCALE DEVELOPMENT) PLAN REQUIREMENTS

The following pages outline specific requirements for all plat submittals.

Plat Requirements: City of Gravette, Arkansas

Type of submission	Sketch Plat	Major Subdivision Preliminary Plat	Major SD / LSD Final Plat/Plan	Minor Subdivision	LSD Site Plan	Small Site Grading Plan	Replat/Lot Line Adjustment
REQUIREMENTS							
SUBMITTAL REQUIREMENTS							
Completed application and required attachments	√	√	√	√	√	√	√
Hard copies and digital copy of the plat/plan submitted.	√	√	√	√	√	√	√
Payment of application fees.		√	√	√	√	√	√
Proof property taxes are current		√		√	√	√	√
Source of title to property giving deed record book page number or instrument #		√	√	√	√	√	√
Drainage Report hardcopy and digital file. See Drainage Report Checklist for all requirements.		√			√	√	
Landscape Plans, if applicable. See Landscape Code for all requirements. Must also include: a. Existing trees to be preserved. b. Irrigation plans.		√			√	√	
Other reports/plans as needed. Determined by the City Administrative Officer. Includes, but is not limited to, environmental impact studies, traffic studies, and architectural plans.		√	√	√	√	√	√
As-built drawings **(at Final)** hard copies and digital files			√			√	
Requested waivers if applicable: a. Written description of city requirement to be waived b. Letter describing reason for request c. Waiver fee		√	√	√	√	√	√
Requested variances, if applicable: a. Written description of zoning code to be varied. b. Letter describing reason for request. c. Waiver fee.		√	√	√	√	√	√

Type of submission	Sketch Plat	Major Subdivision Preliminary Plat	Major SD / LSD Final Plat/Plan	Minor Subdivision	LSD Site Plan	Small Site Grading Plan	Replat/Lot Line Adjustment
REQUIREMENTS							
d. Public Hearing notification required.							
GENERAL REQUIREMENTS							
Title Block		√	√	√	√	√	√
Development Type					√	√	√
Name of Development					√	√	
Name of Subdivision- Subdivision names shall be shown and final as approved on the Preliminary Plat.		√	√	√			√
Subdivision Type	√	√	√	√			√
Revision Block		√	√	√	√	√	√
Complete and accurate legend.		√	√	√	√	√	√
North arrow, scale, dates of preparation, zoning classification, and proposed use		√	√	√	√	√	√
License number and registration for all professionals		√	√	√	√	√	√
Name and address of developer.	√	√	√	√	√	√	√
Name and address of owner of record	√	√	√	√	√	√	√
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.	√	√	√	√	√	√	√
Location of tract by legal description including area in square feet or acres (Note: if the project is contained in more than one tract, the legal description for each individual tract and total tract description must be provided).		√	√	√	√	√	√

Type of submission	Sketch Plat	Major Subdivision Preliminary Plat	Major SD / LSD Final Plat/Plan	Minor Subdivision	LSD Site Plan	Small Site Grading Plan	Replat/Lot Line Adjustment
REQUIREMENTS							
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.		√	√	√	√	√	√
Accurate locations and adequate physical descriptions of all monuments shall be shown indicating size, type of material and construction thereof.		√	√	√		√	√
Adjoining property lines of all adjacent properties, owners' names, parcel numbers, and current zoning		√			√	√	
Municipal and or county boundaries that pass through or about the development.		√	√	√	√	√	√
A phasing plan outlining the boundaries for each phase and the location of all monuments for the subdivision		√	√		√	√	
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.		√	√		√		
Cultural and natural features	√	√	√	√	√	√	√
Soil tests where indicated		√		√	√	√	√
Location of all existing structures.		√		√	√	√	√
A description of commonly held areas, if applicable.		√	√		√		
REQUIRED NOTES							
Note if the Army Corps of Engineers have determined that any portion of the site is within a wetlands area. If not applicable, add a note on the cover page stating such.		√	√		√	√	

Type of submission	Sketch Plat	Major Subdivision Preliminary Plat	Major SD / LSD Final Plat/Plan	Minor Subdivision	LSD Site Plan	Small Site Grading Plan	Replat/Lot Line Adjustment
REQUIREMENTS							
If the property is located within the Floodplain as determined by FEMA, show the 100 year floodplain, floodway, and base flood elevations. Reference the FIRM panel number and effective date. If not applicable, add a note on the cover page stating such.		√	√	√	√	√	√
Indicate the location or all known potentially dangerous areas, including areas subject to flooding, slope stability, settlement, excessive noise, previously filled areas, and the means of mitigating the hazards (abatement, wall, signage, etc.) If not applicable, add a note on the cover page stating such.		√	√		√	√	
EXISTING UTILITIES							
Show all known on-site and off-site existing utilities and easements (dimensioned), and provide the structures (pedestals, poles, etc.)., locations, types, and condition and note them as “existing” on the plat.		√		√	√	√	√
Existing easements shall show the name of the easement holder and purposed of the easement. If an easement is blanket or indeterminate in nature, a note to this effect shall be placed on the plat or plan.		√		√	√	√	√
Show the location of any existing septic tank (s), and lateral fields, including details of leachate pipes and drain fill material. Show primary and alternate lateral field areas.		√	√	√	√	√	√
Static pressure and flow of the nearest hydrant		√			√	√	
Indicate the location or any existing or abandoned water wells, sumps, cesspools, springs, water impoundments, and underground structures within the project. If not applicable, add a note on the cover page stating such.		√		√	√	√	

Type of submission	Sketch Plat	Major Subdivision Preliminary Plat	Major SD / LSD Final Plat/Plan	Minor Subdivision	LSD Site Plan	Small Site Grading Plan	Replat/Lot Line Adjustment
REQUIREMENTS							
Indicate the location of any known existing or proposed ground leases or access agreements (shared parking lots, drives, areas of land that will be leased). List any deeded mineral, gas, and oil rights and registry recording information. If not applicable, add a note on the cover page stating such.		√			√	√	
Indicate the location and size of existing signage, if any.		√	√		√	√	√
PROPOSED UTILITIES							
Regarding all proposed sanitary sewer systems:							
a. Provide pipe locations, sizes, and types		√			√		
b. Manhole locations of rim and invert elevations		√			√		
c. Profiles including slope in percentage and existing and proposed utilities when crossing or parallel in vicinity		√			√		
d. Provide plan and route for access to all manholes.		√			√		
e. If a lift-station is proposed, submit full design plans		√			√		
f. Show off-site plan (if applicable) for gravity sewer and force mains serving development.		√			√		
If a septic system is to be used: show the location of any proposed septic tank (s), and lateral fields, including details of leachate pipes and drain fill material. Show primary and alternate lateral field areas.		√	√	√	√	√	√
Show the location of proposed fire hydrants, meters, valves, backflow preventors, and related appurtenances.		√			√	√	

Type of submission	Sketch Plat	Major Subdivision Preliminary Plat	Major SD / LSD Final Plat/Plan	Minor Subdivision	LSD Site Plan	Small Site Grading Plan	Replat/Lot Line Adjustment
REQUIREMENTS							
Show locations of all proposed utility lines: a. Note whether the line is above or below ground b. Show all related utility structures (pedestals, poles, etc.).		√			√	√	
Show the location of all streetlights.		√			√		
Regarding all proposed water systems, on or near the site: a. Provide pipe locations, types, and sizes b. Show that design of water and sewer utilities will not conflict with other underground utilities.		√			√	√	
The width, approximate locations, and purposes of all proposed easement or rights of ways for utilities, drainage, sewers, floor control, ingress/egress, or other public purposes within and adjacent to the project.		√	√	√	√	√	√
Indicate the location and size of proposed signage, if any. All signs must be permitted separately and comply with the sign code section of the Gravette Unified Development Code.		√	√		√	√	√
PROPOSED AND EXISTING SIDEWALKS, STREETS, RIGHTS-OF-WAY, and EASEMENTS							
A layout of adjoining property (within at least 300') in sufficient detail to show the effect of proposed and existing streets (including those on the Master Street Plan), adjoining lots, and off-site easements.		√			√	√	
Identify and dimension all access easements, including ingress and egress.		√	√	√	√	√	√
A preliminary easement plat may be required by the Planning Commission depending on the number and location or easement. After construction of the approved development, copies of the easement plat must be filed, and submitted to City Hall.		√			√		

Type of submission	Sketch Plat	Major Subdivision Preliminary Plat	Major SD / LSD Final Plat/Plan	Minor Subdivision	LSD Site Plan	Small Site Grading Plan	Replat/Lot Line Adjustment
REQUIREMENTS							
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.		√	√		√		
One (1) entrance for every thirty (30) units within a single family residential development shall be required.	√	√	√	√	√	√	√
For multifamily developments, entrances shall be required per the Arkansas State Fire Code and shall require review and approval from the Gravette Fire Department.	√	√	√	√	√	√	√
Street names, class per Master Street Plan, rights-of-way, centerlines, and easements bordering or traversing the property.		√	√	√	√	√	√
Show and dimension the existing Right-of-way, and the proposed Right-of-Way (to be in compliance with the Master Street Plan).		√	√	√	√	√	√
Indicate the location, widths, and grades of all existing and proposed streets, alleys, paths, and other rights-of-way, public or private, within and adjacent to the project; private easements within and adjacent to the project, and the radius of each centerline curve. Curve/arc of streets should include radius and arc distance data on survey or plat. Private streets shall be clearly indicated and named.		√	√	√	√		√
Typical Sections shall be submitted.		√			√		
Street profiles.		√			√		

Type of submission	Sketch Plat	Major Subdivision Preliminary Plat	Major SD / LSD Final Plat/Plan	Minor Subdivision	LSD Site Plan	Small Site Grading Plan	Replat/Lot Line Adjustment
REQUIREMENTS							
Street names will need to be provided and approved prior to final plat acceptance. All street names shall be final as approved on the Preliminary Plat/Plans.		√			√		
All items shall be dimensioned and labeled if previously dedicated per a separate document.		√	√	√	√		√
Show all sidewalks, existing and proposed, in compliance with the Master Street Plan.		√	√	√	√	√	
SUBDIVISION OF LAND							
An index including acreage before and after the subdivision. Including a tabulation by lot and /or tract showing area and width at front setback line.		√	√	√	√		√
The lot layout, the dimension of each lot, number of each lot, total area in square footage or acreage to the nearest 1/100th acre of each lot. a. Lots shall be numbered consecutively for all phases. These numbers shall be associated with each phase of subdivision. The total number of lots shall be indicated on the plat.		√	√		√		
For lots containing duplexes, triplexes, quad-plexes, and multifamily developments, architectural drawing elevations showing facades for structure(s), all entrances, windows, site objects, and fixtures, to include color and type of materials. Must meet the Design Standards for building exteriors.		√			√		
The approximate finish grade where pads are proposed for building sites		√			√		
Show all required setbacks.		√	√	√	√	√	√
The designation of all “out lots” and anticipated uses.		√	√		√		
Address numbers shall be indicated on the Final Plat			√	√	√	√	√

Type of submission	Sketch Plat	Major Subdivision Preliminary Plat	Major SD / LSD Final Plat/Plan	Minor Subdivision	LSD Site Plan	Small Site Grading Plan	Replat/Lot Line Adjustment
REQUIREMENTS							
SITE PLAN							
Indicate the location, size, surfacing, landscaping, and arrangement of parking and loading areas. Indicate a pattern of traffic flow; include a table showing require, provided, and handicapped accessible parking spaces.					√		
Building outline dimensioned from the property lines, sidewalks, curbs, drives, parking, and striping.					√		
Location of buffer strips, fences, or screen wall, where required.		√			√		
Indicate the location of garbage service.					√		
Exterior lighting quantity, direction, and pattern. Lighting cut sheet showing type of lighting to be used. All lighting adjoining or visible from residential areas shall be full cut-off fixtures.					√		
Exterior speaker location (s) and direction (s)					√		
Open space/green space/landscaping, proposed		√	√		√		
Architectural Drawing Elevations showing each side of the structure, all entrances, window, site objects, and fixtures, to include color and type of material. Must meet the Design Standards for building exteriors for Site (Large Scale Development) Plan Developments.					√		
Show all required setbacks.		√	√	√	√	√	√
For all residential other than single-family, indicate the use of all buildings, and list in a table the number of units and bedrooms.					√		
For non-residential use, indicate the gross floor area, and for multiple uses, the floor area devoted to each type of use.					√	√	√
DRAINAGE							

Type of submission	Sketch Plat	Major Subdivision Preliminary Plat	Major SD / LSD Final Plat/Plan	Minor Subdivision	LSD Site Plan	Small Site Grading Plan	Replat/Lot Line Adjustment
REQUIREMENTS							
Regarding all storm sewer structures and drainage structures:							
a. Provide structure types and locations		√			√	√	
b. Provide pipe sizes and types		√			√	√	
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.		√			√	√	
Provide contour information (existing and proposed): a. Two-foot intervals for ground slope between level and 10 percent. b. Five-foot contour intervals for ground slope exceeding 10 percent. c. Contours of adjacent land within 100 feet of the project shall be shown.		√			√	√	
Indicate any known erosion problems on site or within 100' downstream of the property. Provide locations and types of all stormwater runoff control device and improvements as part of the overall stormwater prevention plan for the project site.		√			√	√	
OTHER APPROVALS							
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		√	√	√	√		
Driveway permits from the Arkansas Department of Transportation (ARDOT) when connecting to a state highway.		√	√	√	√	√	
Any other permits required by other agencies		√	√	√	√	√	√

Type of submission	Sketch Plat	Major Subdivision Preliminary Plat	Major SD / LSD Final Plat/Plan	Minor Subdivision	LSD Site Plan	Small Site Grading Plan	Replat/Lot Line Adjustment
REQUIREMENTS							
CERTIFICATIONS (Signature blocks)							
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			√				
Certificate of Plat/Plan Approval		√	√	√	√	√	√
Certificate of Dedication		√	√	√	√	√	√
Add note to plat/plan: Review of these plans is limited to general compliance with City of Gravette codes and regulations and does not warranty the engineer's design or relieve the developer of any requirements, even if error, omissions or any inadequacies are discovered after plan approval. The City's requirements shall govern over any conflicts with the plans or specifications. Any conditions determined the field that require changes shall be subject to further review and corrective action to be paid for by the developer.			√	√	√	√	

SECTION 5.5. SUBDIVISION REVIEW & APPROVAL

5.5.1. General

(a) Recognizing that subdivision regulations must be applied to various land development types, and because of the special conditions pertaining to each, this ordinance hereby provides for the establishment of two (2) subdivision types: Major Subdivision and Minor Subdivision. Design standards applicable to each of these two (2) types are outlined in Articles 5 and 6 of these Regulations.

5.5.2. Review Processes

(a) *Planning Commission Review* – Means the intake and review of applicable subdivisions of land by the Planning Commission.

(b) *Administrative Review* – Means the intake and review of applicable subdivisions of land by City Administrative Staff, and shall include review by the Fire Marshal, utilities, and other reviewers City Staff feels are necessary.

a. The Administrative Official has the right to refer any plan to the full Commission for review.

5.5.3. Subdivision Types & Review Criteria

MINOR SUBDIVISION PLAT

Minor Subdivisions, as defined in this section, shall be reviewed Administratively, with discretion given to the Administrative Official to determine if full Planning Commission Review is required.

1. Properties zoned for Agricultural or Single-Family Residential Uses shall be considered a Minor Subdivision Plat when:

2. LOT / TRACT SPLITS-
A single lot or tract is proposed to be divided into three (3) or fewer lots, including the remainder and/or residual area in which no new infrastructure, including public utility extensions and public road improvements or extensions, is required.
   (1) Lot / Tract Splits shall not include any subdivision that is part of a larger tract to be developed in phases. No parcel or tract of land shall be split into more than three (3) lots per twelve (12) months from the third (3rd) split. A request for subsequent splits on the same parent parcel or tract within twelve (12) months shall require Major Subdivision approval.
   (2) Lot / Tract Splits shall meet the zoning requirements for the site. If the lot/tract will utilize a septic system, soils work must be provided to show that the lot will be adequately sized to accommodate a primary and secondary leach field.
   (3) Lot / Tract Splits within the Planning Area of the City of Gravette shall have a minimum lot size of three (3) acres.
   (4) A maximum of three (3) lots / tracts may be accessed solely from one (1) access easement that is a minimum of 50-feet wide.

3. LOT / TRACT COMBINATION –
Two (2) adjacent lots / tracts are combined, in which no new infrastructure, including public utility extensions and public road improvements or extensions, is required.
   (1) All resulting lots / tracts shall meet the zoning requirements for the site. If the lot/tract will utilize a septic system, soils work must be provided to show that the lot will be adequately sized to accommodate a primary and secondary leach field.
   (2) Lots / tracts within the Planning Area of the City of Gravette shall have a minimum lot size of three (3) acres.

4. LOT / TRACT LINE ADJUSTMENT-

An adjustment of land in which the boundary line between two (2) adjoining lots or tracts are reconfigured, and no new infrastructure, including public utility extensions and public road improvements or extensions, is required.

(1) All resulting lots or tracts shall meet the zoning requirements for the site. If the lot/tract will utilize a septic system, soils work must be provided to show that the lot will be adequately sized to accommodate a primary and secondary leach field. If there is an existing septic system onsite, no lotline adjustment shall be approved that separates the system from the lot it serves.

(2) Lots within the Planning Area of the City of Gravette shall have a minimum lot size of three (3) acres.

5. LOT REPLATS OR BOUNDARY LINE ADJUSTMETS OR COMBINATIONS
When lots within a platted subdivision meet the Lot Split, Lot Line Adjustments, or Lot Combination requirements.

(1) If more than 3 lots within a platted subdivision are to be altered or created from previously platted lots, or the project requires new public infrastructure, it shall be considered a Major Subdivision.

6. OTHER
One-lot subdivisions which convert a metes and bounds description into a subdivision plat suitable for filing at the Benton County Recorder's office.

MAJOR SUBDIVISON PLAT.
Major Subdivisions, as defined in this section, shall be reviewed by the Planning Commission.

1. Properties zoned for Agricultural or Single-Family Residential Uses shall be considered a Major Subdivision when:

(1) A single lot or tract is proposed to be divided into three (3) or fewer lots, including the remainder and/or residual area in which <u>new infrastructure, including public utility extensions and public road improvements or extensions, is required.</u>

(2) A single lot or tract is proposed to be divided into four (4) or more lots, including the remainder and/or residual area.

<u>Residential Subdivisions</u> - Residential subdivisions are intended to ensure efficient, aesthetic, and convenient designs for a single family detached, multifamily, duplex**,** zero lot line and single-family attached development, and to provide harmonious relationships with surrounding areas. Residential uses shall be those defined as such in the Gravette Unified Development Code.

2. All properties zoned for Commercial and Industrial Uses shall be required to adhere to the Major Subdivision Plat requirements.

<u>Commercial/Office/Institutional Subdivisions</u> – Commercial/office/institutional subdivisions are intended to accommodate one (1) or more commercial building sites on either

single or multiple lots in a carefully planned configuration designed to protect and enhance the viability of each separate structures and ownership. Commercial, office, and institutional uses shall be defined as such in the Gravette Unified Development Code.

Industrial Subdivision-
Industrial subdivisions are intended to fulfill a two-fold objective; to provide both opportunity and possibility for industrial activities to take place at appropriate locations in a compatible manner with adjacent non-manufacturing areas; to require the application of sound design principles and the orderly development of industrial parcels involving the creation of one (1) or more building sites or lots. Industrial uses shall be defined as such in the Gravette Unified Development Code.

SECTION 5.6. MINOR SUBDIVISION PLAT REQUIREMENTS

5.6.1. Approvals

(a) When a minor-subdivision, as defined, is involved, the applicant shall prepare and file with the city an Application for Minor Subdivision Approval.
- (1) Said Application shall submit to the City for Administrative Review.
- (2) Administrative Review for Minor Subdivisions includes review by the Fire Marshal, utilities, and the Administrative Official, as well as any other reviewers the City feels are necessary.
- (3) The Administrative Official has the right to refer any Minor Subdivision to the full Commission as a Major Subdivision for their review.

(b) The Application for Approval of any Minor Subdivision shall consist of:

- (1) The completed application including signature of owners,
- (2) Submittal letter,
- (3) Warranty Deed from Benton County,
- (4) Parcel Map (showing location of property on a map including relationships to roads and areas surrounding parcel),
- (5) Any additional information requested by the Administrative Official required for review, and
- (6) Plats, plans and data as specified in Section 5.4, concerning existing conditions within the site and its vicinity and which shall convey the intentions of the applicant as to the proposed layout and type of development, prepared by a registered engineer or licensed surveyor, in the number of prints as indicated on the application form, with all items required for a final plat and other documents as specified in the application and Section 5.4.
- (7) The Administrative Official shall determine the number and format of the required submittal packets.
  - (A) A digital copy of the plat in the format to be determined by the City shall be submitted.

- (8) The application shall not be accepted until the applicant or designated representative has paid the application fee as established by the City Council.

(9) If the project requires an easement, an Easement Deed must be presented as part of this packet and filed with the Circuit Clerk if approved.

(c) The Administrative Official is hereby authorized to review the Application for Approval of Minor Subdivision and provide approval.

(10) The Administrative Official shall review the final plat of the Minor Subdivision.

(11) If the final plat is satisfactory in light of the objectives of this Code and all required information is contained thereon, the Administrative Official and Mayor shall certify its approval of the plat, make proper notation on the original copy of said plat, and permit the plat's recording in the office of the Circuit Clerk.

(12) All applicable Final Plat Certificates found in Section 5.12, shall be included on the final plat, and all signatures collected prior to filing with the Circuit Clerk.

SECTION 5.7. MAJOR SUBDIVISION PRELIMINARY PLAT REQUIREMENTS

5.7.1. Application for Major Subdivision Preliminary Plat Approval

Whenever a Major Subdivision 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 applicant shall first submit to the City following the regular submittal schedule adopted by the Planning Commission an application for Preliminary Plat Approval which shall consist of:

(a) A completed application with required signatures.
(1) 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.

(b) 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 5.1.10.

(c) Plats, plans and data as specified in Section 5.4, concerning existing conditions within the site and its vicinity and which shall convey the intentions of the applicant as to the proposed layout and type of development, prepared by a registered engineer or licensed surveyor, in the number of prints as indicated on the application form, with all items required for a final plat and other documents as specified in the application and Section 5.4.

(d) Warranty Deed from Benton County,

(e) Any additional information requested by the Administrative Official required for review.

(f) If the project requires an easement, an Easement Deed must be presented as part of this packet and filed with the Circuit Clerk if approved.

(g) The Administrative Official shall determine the number and format of the required submittal packets.
    (1) A digital copy of the plat in the format to be determined by the City shall be submitted.

(h) The application shall not be accepted until the applicant or designated representative has paid the application fee as established by the City Council.

5.7.2. Construction Drawings

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

(a) With approval of the Administrative Official, the applicant may postpone submittal of construction drawings until after the preliminary plat is approved. The Administrative Official may determine if all, or only part, of the construction drawings may be postponed. The city shall not issue a Notice to Proceed, however, until the Administrative Official has received and approved construction drawings.
    a. Any significant deviation from the approved Preliminary Plat shall require approval by the Planning Commission prior to receiving Construction Plan Approval and a Notice to Proceed.

(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 Administrative Official 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.

5.7.3. Planning Commission Action

The Planning Commission shall review Major Subdivision 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 table the plat.

No construction may commence on any portion of the development until a Notice to Proceed has been issued by the Administrative Official.

5.7.4. 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:

    (1) All items have been completed and reviewed to the satisfaction of the Administrative Official or their designee.

(2) 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;

(3) 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.

(4) All areas of the proposed subdivision which may involve soil or topographical conditions presenting hazards or requiring special precautions have been identified by the applicant and that the proposed uses of these areas are compatible with such conditions.

(5) All drainage systems have been reviewed and approved by the Administrative Official.

(6) 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.

(7) The development meets the regulations set by Arkansas State Fire Code.

(8) 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 not to exceed three (3) years, 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 Preliminary Plat Approval Certification executed by the Administrative Official. Such approval authorizes the applicant to proceed with preparation of Construction Plans, or in cases where there is no public infrastructure to be completed, an application for final plat approval.

(d) Receipt by the applicant of the executed Preliminary Plat Approval is authorization to proceed with the preparation of necessary construction plans and specifications as set forth in Section 5.7.2. Upon review and approval of the construction drawings by the Administrative Official, a Notice to Proceed will be issued from the City and the applicant may commence with the installation of required public improvements. The applicant shall build all public streets, drainage, and other utility improvements to the specifications of the construction plans approved by the Administrative Official. Construction work shall be subject to on-site inspections by the city to verify conformance with the approved construction plans.

5.7.5. 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.

5.7.6. Engineering Analysis

In addition to the submittals required in Section 5.4, 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 Administrative Official. Such profiles shall be prepared by an engineer registered to practice in the State of Arkansas.

(b) At the option of the Administrative Official, 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) Floodplain Analysis - Where a portion of a plat is suspected to be flood prone, and the U.S. Army Corps of Engineers, FEMA, or other information is not available, an engineering analysis shall be required by the Administrative Official. 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.

(e) Septic System Design – At the option of the Administrative Official, applicant may be required to submit Arkansas Dept. of Health permitting information, including but not limited to; ADH septic permit number, septic designs / layouts, soil maps, soil reports, sizing of each system based on percolation test, and/or if a decentralized and/or package system is required. If public sanitary sewer is available within 300 feet, connection is required.

5.7.7. 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.

SECTION 5.8. PRELIMINARY PLAT AND PLAN CERTIFICATES

Each Preliminary Plat or Preliminary Plan submitted to the Planning Commission shall carry the following certificates as appropriate:

Certificate of Surveying Accuracy

I, _____, hereby certify that this plat or plan correctly represents a boundary survey made by me and boundary markers and lot corners shown hereon actually exist and their location, type and material are correctly shown and all minimum requirements of the Arkansas Minimum Standards for Land Surveyors have been met.

Signature_____ Date _____

Registered Land Surveyor No. _____ State of Arkansas

Certificate of Preliminary Engineering Accuracy

I, _____, hereby certify that this plat or plan correctly represents a plat or plan made by me, and that engineering requirements of the Gravette Unified Development Code have been complied with.

Signature_____ Date _____

Professional Engineer No. _____ Arkansas

Certificate of Preliminary Plat/Plan Approval

All requirements of the Gravette Unified Development Code relative to the preparation and submittal of a Preliminary Plat or Plan having been fulfilled, approval of this plat or plan is hereby granted, subject to further provisions of said Rules and Regulations.

This plat or plan has been given preliminary plat or plan approval only and has not been approved for recording purposes as a public record. This certificate shall expire on _____ (date-one year from date of Preliminary Approval by the Planning Commission).

Administrative or Planning Official _____ Date: _____

SECTION 5.9. FINAL PLAT REQUIREMENTS

5.9.1. Final Plat application

Whenever the provisions of these rules and regulations have been complied with and while the Preliminary Plat Approval is in effect, the applicant may submit to the City an application for administrative 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 in the number of prints as indicated on the application form, with all items required for a final plat and other documents as specified in the application and Section 5.4

(1) The final plat shall show all certificates as specified in Section 5.12, and with the Certificate of Ownership and Dedication, Certificate of Engineering and Certificate of Surveying Accuracy being executed.

(2) The final plat shall be clearly and legibly drawn at the same scale and dimensions used for the approved preliminary plat.

(3) The final plat shall conform to the preliminary plat, and it may constitute only that portion of the approved preliminary plat that the applicant proposes to record and develop at any one time, provided that such portion conforms to the requirements of these rules and regulations.

(c) The application shall not be accepted until the applicant or designated representative has paid the application fee as established by the City Council.

(d) The Administrative Official shall determine the number and format of the required submittal packets.
(1) A digital copy of the plat in the format to be determined by the City shall be submitted.

(e) Confirmation from the Administrative Official that all inspections have been completed and passed.

5.9.2. Approval of the Final Plat

The final plat of the proposed subdivision shall be submitted to the City for final approval while the 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 Administrative Official or Planning Commission agrees to an extension of time per Section 2.5 (d).

The Planning Commission shall review Major Subdivision final plats at its regularly scheduled monthly meeting. The Planning Commission shall then approve, conditionally approve, deny, or table the final plat.

Approval of the plat shall be granted if the final plat is satisfactory in light of the objectives of this Code and all required information is contained thereon, construction has been completed and

inspected per Sections 5.10, 6.2.15, 6.2.16, and 6.5, and all required bonds have been received and are adequate.

Disapproval of the plat shall be transmitted to the owner/developer with the reasons therefore within a reasonable time (not to exceed 14 days) after the meeting at which the plat was disapproved.

All applicable Final Plat Certificates, found in Section 5.12 shall be included on the final plat, and all signatures collection prior to filing with the Circuit Clark.

City Council action: Following Final Plat approval by the Planning Commission, the City Council shall provide for the acceptance of right-of-way dedications. City Council acceptance and filing of the final plat for record constitutes the acceptance by the city of dedications and improvements including any instruments of surety provided as a condition of final plat approval. City Council acceptance will be referenced in City Council minutes.

If the applicant requests permission to develop only a portion of the property for which the preliminary plat was approved, it shall be reviewed by the Planning Commission. 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.

5.9.3. Notification of Disapproval

If a Final Plat is disapproved by the Planning Commission, the reasons shall be enumerated.

5.9.4. Final Approval

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

5.9.5. Certificate of Final Plat Approval

The Planning Commission or Administrative Official may execute a Certificate of Final Plat Approval when it has determined that the applicant has fully complied with the provisions of Section 5.8.

5.9.6. Acceptance of Dedications

The City Council shall accept dedications by Ordinance. When the City Council accepts the improvements for the City, no maintenance will be performed by the City until the required maintenance bonds (warranty period) have been released by the City. Refer to Section 6.4 for Warranty requirements.

5.9.7. As-Built Drawings

Upon completion of the installation of the improvements required by these rules and regulations, the applicant shall present to the Administrative Official two complete full size hardcopy sets, and a digital copy set in a format approved by the City, 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 applicant.

(d) Any detention facilities for stormwater management. Elevations of water surface and outlets.

(e) 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.

SECTION 5.10. CRITERIA FOR SUBSTANTIAL COMPLETION (NON-BONDABLE ITEMS).

5.10.1. Non-Bondable Items

The following items shall be completed prior to approval of the final plat.

(a) Streets.

(1) All curb and gutter and street drainage slopes completed and backfilled.
(2) Final layer of asphalt in-place to required thickness and density.
(3) Street signs paid for.
(4) Pedestrian accommodations constructed per approved plan including accessible ramps.
(5) Road right-of-way restoration substantially complete.
(6) Low or ponding areas in public street corrected.

(b) Sewer. Installation required per currently adopted water and sewer specifications.

(1) All sewer lines constructed to grade.
(2) Mandrel and pressure tests complete.
(3) All manholes complete to required elevations and vacuum tested.
(4) Sewer services marked.
(5) Lift station site functionally complete.
(6) Tracer wires installed on force mains and gravity sewer lines and tested.
(7) Lift station alarm completed and monitorable.
(8) Lift station site accessible with pavement.
(9) As-built drawings per specifications

(c) Water. Installation required per currently adopted water and sewer specifications.

(1) All water lines in-place, pressure tested, and bacterially tested safe.
(2) All hydrants and valves in-place, accessible, and operational (facing street).
(3) Meter tiles and setters in place.
(4) Tracer wires installed and tested.
(5) As-built drawings per specifications
(6) Passing test results for all backflow devices provided.
(7) All backflow prevention devices installed properly and functional.

(d) Fire.

(1) All hydrants and valves in-place, accessible, and operational (facing street).
(2) Fire lanes marked.
(3) Building addressed (temporary).

(e) Drainage.

(1) Drainage swales in place, sodded or concrete-lined, properly dedicated with erosion control measures in place.
(2) Detention/retention facilities to grade and draining properly.
(3) Outlet structures, pilot channels, headwalls, flumes, and other appurtenances in place and constructed to approved plans and specifications.
(4) Any needed off-site improvements or easements in place.
(5) Sodding of detention/retention ponds completed and established.
(6) Fencing of detention/retention ponds in place.
(7) Aeration facilities for retention ponds in place.
(8) All drainage inlets, outlets, and conduits in proper location and constructed to approved plans and specifications.
(9) Final layer of drainage paving in-place as required by approved plan, including parking lots.

(f) Planning.

(1) Final grades achieved.
(2) Seeding and sodding in-place.
(3) ADA requirements met.
(4) Landscaping installed when scheduling a development final inspection between March 2 to July 14 and September 16 to November 30.
(5) Parking paved and marked.
(6) Dumpsters screened.

SECTION 5.11. CRITERIA FOR GUARANTEES (BONDABLE ITEMS).

5.11.1. Bondable Items

The following items do not need to be completed prior to approval of the final plat, provided that the requirements of 5.10.1 have been met. Section 6.4 shall be applied for all bondable items.

(a) General Site Clean Up.

(b) Streets

(1) Correction of final layer of pavement to the required thickness and density.
(2) Correction of unacceptable curb sections.
(3) Correction of damaged pedestrian accommodation sections.
(4) Joints in concrete pavement and curb and gutter cleaned and caulked.
(5) Approval of final as-built street drawings.

(c) Sewer.

(1) Cosmetic work.

(d) Water.

(1) Painting hydrants.
(2) Hydrant markers installed.
(3) Adjusting meter tiles to grade.
(4) Adjusting meter setters.
(5) Adjusting valve stacks.
(6) Pouring concrete valve operator pads.
(7) Final record drawings.

(e) Fire.
(1) Building addressed (permanently).

(f) Drainage.

(1) Cosmetic work (finish grout, clean out boxes, pipes, and other appurtenances).

(g) Planning.
(1) Landscaping installed when scheduling a development final inspection between December 1 to March 1 and July 15 to September 15 if the climate and weather delay completion.

(h) Other Utilities.
(1) Electric lines, and street lights may be installed after Final Plat approval if approval is required by the electric company servicing the area prior to installation of electric lines and street lights. A proof of contract between the Electric Company and the developer shall be submitted to the City.

SECTION 5.12. FINAL PLAT AND PLAN CERTIFICATES

Final Plat and Plan Certificates - Each Final Plat or Final Plan submitted to the staff for approval shall carry the following certificates printed thereon.

Certificate of Surveying Accuracy

I, _____, hereby certify that this plat correctly represents a boundary survey made by me and boundary markers and lot corners shown hereon actually exist and their location, type and material are correctly shown and all minimum requirements of the Arkansas Minimum Standards for Land Surveyors have been met.

Signature_____ Date _____

Registered Land Surveyor No. _____ State of Arkansas

Certificate of Engineering Accuracy

I, _____, hereby certify that this plat or plan correctly represents a plat or plan made by me, and that engineering requirements of the Gravette Unified Development Code have been complied with.

Signature_____ Date _____

Professional Engineer No. _____ Arkansas

Certificate of Final Plat/Plan Approval

I hereby certify that this Final Plat/LSD plan was approved by the City of Gravette on _____, _____, 20____.

Planning Official _____ Date: _____

City Clerk _____ Date: _____

Mayor_____ Date: _____

(PLAT ONLY)

Certificate of Ownership and Dedication

We the undersigned owners, representing one hundred percent (100%) ownership of the real estate shown and described herein, do hereby dedicate for public ownership, all streets and alleys as shown on this plat for public benefit as prescribed by law. The owners also dedicate to the City of Gravette and to the public utility companies the easements shown on this plat for the purpose of installation of new facilities and the repair of existing facilities. Also established hereby is the right of ingress and egress to said easements, the right to prohibit the erection of buildings, structures, or fences within said easements, and the right to remove or trim trees within said easements.

Owner Signature_____ Date _____

Owner Signature_____ Date _____

Printed Name:_____ Address:_____

Printed Name:_____ Address:_____

Source Of Title: Book ____ Page____ Instrument Number:_____

(LARGE SCALE DEVELOPMENT AND SMALL SITE PLAN ONLY)

Certificate of Ownership

We the undersigned, do hereby certify that we represent one hundred percent (100%) ownership of the real estate shown and described herein.

Owner Signature_____ Date _____

Owner Signature_____ Date _____

Printed Name:_____ Address:_____

Printed Name:_____ Address:_____

Source Of Title: Book ____ Page____ Instrument Number:_____

5.12.1. 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 5.13. LARGE SCALE DEVELOPMENTS

5.13.1. Applicability

1. The Large-Scale Development standards shall be applicable to all new Commercial, Institutional, Industrial and Multifamily Residential construction within the city, regardless of the size of the lot. Expansions of Commercial, Institutional, Industrial, and Multifamily Residential shall also be held to the Large-Scale Development standard when certain conditions are met.

   A Large-Scale Development plan is required to be submitted to the Planning Commission for all such development or building construction regardless of zoning and for additions to existing developments or buildings regardless of zoning.

2. Single family residential detached and duplex residential construction are specifically exempted from this requirement when there is only one residential structure per lot.

3. The Large-Scale Development standards shall apply when a revision of land use results in the need to access to public streets or utilities.

5.13.2. Expansion of Existing Buildings or Sites

1. Expansions of existing buildings or sites shall be considered large-scale developments only when they meet one of the following.
   (1) The expansion increases the interior gross square footage of the building(s) by greater than 50% of their original size, or, more than 3,999 SF in size, whichever is less.

      (A) If the total resulting gross square footage of all buildings on the site will not exceed 2,000 gross square feet in area, the expansion shall be exempted from the Large-Scale Development code. All buildings on the site shall be calculated in this total.

   (2) The expansion increases the overall site by greater than 50% of its original size, or more than one (1) acre in size.

   (3) The expansion creates the need to change the existing design of the development's vehicular access.

2. All expansions shall require a building permit and shall meet all zoning standards for the subject property.

3. Any expansion of a Commercial, Institutional, Industrial, or Multifamily development not meeting the requirements for Large Scale Development shall be processed as a Small Site Plan.

5.13.3. Application for Preliminary Approval of Large-Scale Development Plans.

1. Prior to issuance of any building permits, or land disturbance, all proposed large-scale developments shall first submit to the City an application for Preliminary Large-Scale Development Plan Approval which shall consist of:

   (1) A completed application with required signatures.

      (A) 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.
      (B) Warranty Deed from Benton County showing ownership.

   (2) A letter of request:

      (A) The letter shall describe the intended uses of all proposed structures/land, and a brief written description of the project.

      (B) The letter shall include requests for any waiver(s) of conditions from the regulations contained herein. Such request(s) for waivers must comply with the provisions of Section 5.1.10

   (3) The Large-Scale Development Plan, and all additional required information and reports shall be included with the Application. The required content of the plan is set forth in Section 5.4. The site plan shall be prepared by an engineer or surveyor.

   (4) Completed Plat Requirements checklist for the Large-Scale Development Plans

   (5) The application shall not be accepted until the Developer has paid the application fee as established by the City Council.

   (6) Any additional information requested by the Administrative Official required for review.

   (7) If the project requires an easement or Right-of-Way dedication, an Easement Plat shall be presented as part of this packet and filed with the Circuit Clerk if approved. See Section 5.15 for Easement Plat process.

   (8) The City shall determine the number and format of the required submittal packets.

(A) A digital copy of the plat in the format to be determined by the City shall be submitted.

5.13.4. Planning Commission Procedure for Preliminary Approval of Large-Scale Development Plans

After a completed application, with all required attachments, has been received and accepted by the City, the Planning Commission shall review the application according to the regular Planning Commission meeting schedule.

The Planning Commission shall then approve, conditionally approve, deny, or table the preliminary large-scale development plan.

1. 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 Gravette Unified Development Code. The preliminary large-scale development plan will be approved by the Planning Commission when the applicant has provided clear and convincing evidence that:

    (1) All items have been completed and reviewed to the satisfaction of the Administrative Official or their designee.

    (2) 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;

    (3) 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.

    (4) All areas of the proposed subdivision which may involve soil or topographical conditions presenting hazards or requiring special precautions have been identified by the applicant and that the proposed uses of these areas are compatible with such conditions.

    (5) All drainage systems have been reviewed and approved by the Administrative Official.

    (6) 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.

    (7) The development meets the regulations set by Arkansas State Fire Code.

    (8) The developer has taken every effort to mitigate the impact of the proposed subdivision on public health, safety, and welfare.

2. Obtaining approval from the Planning Commission, authorizes the applicant to proceed with preparation of Construction Plans, or in cases where there is no public infrastructure to be completed, the developer may commence construction after obtaining a building permit and any other required permits.

3. Receipt by the applicant of the executed Preliminary Large-Scale Development Approval is authorization to proceed with the preparation of necessary construction plans and specifications as set forth in Section 5.7.2.

4. Upon review and approval of the construction drawings by the City Administrative Official, a Notice to Proceed will be issued from the City and the applicant may commence with the installation of required public improvements. No construction may commence on any portion of the development until a Notice to Proceed has been issued by the Administrative Official.

    (1) The applicant shall build all public streets, drainage, and other utility improvements to the specifications of the construction plans approved by the City's Administrative Official.

    (2) Construction work shall be subject to on-site inspections by the City to verify conformance with the approved construction plans.

5. The approval from the Planning Commission shall be limited to the type of building/development stated within the letter and plans accompanying the application.

    (1) 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 all development activity on the property upon receipt of notice from the Administrative Official.

    (2) Should the developer desire to build or develop the property in a manner that was not approved previously, a new application shall be submitted to the Planning Commission in accordance with 5.13 of these regulations.

5.13.5. Engineering Analysis

In addition to the submittals required in Section 5.4, the following engineering analyses shall be submitted with preliminary large-scale development plan if applicable:

(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 Administrative Official. Such profiles shall be prepared by an engineer registered to practice in the State of Arkansas.

(b) At the option of the Administrative Official, 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) Floodplain Analysis - Where a portion of a plat is suspected to be flood prone, and the U.S. Army Corps of Engineers, FEMA, or other information is not available, an engineering analysis shall be required by the Administrative Official. 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.

(e) Septic System Design – At the option of the Administrative Official, applicant may be required to submit Arkansas Dept. of Health permitting information, including but not limited to; ADH septic permit number, septic designs / layouts, soil maps, soil reports, sizing of each system based on percolation test, and/or if a decentralized and/or package system is required. If public sanitary sewer is available within 300 feet, connection is required.

5.13.6. Application and Procedure for Final Approval of Large-Scale Development Plans

Whenever the provisions of these rules and regulations have been completed and while the Preliminary Large-Scale Development Plan Approval is in effect, construction has been completed and inspected per Section 5.10, 6.2.15, 6.2.16, and 6.5, all bonds have been received and are adequate, and any required easements have been filed with an Easement Plat, the applicant may submit to the City an application for administrative review and approval of the Final Plan which shall consist of:

(a) A letter of application requesting review and final approval of the plan.

(b) The final plan in the number of prints as indicated on the application form, with all items required for a final plat and other documents as specified in the application and Section 5.4

(1) The final plan shall show all certificates as specified in Section 5.12, and with the Certificate of Ownership, Certificate of Engineering and Certificate of Surveying Accuracy being executed.

(2) The final plan shall be clearly and legibly drawn at the same scale and dimensions used for the approved preliminary plat.

(3) The final plan shall conform to the preliminary plan, and it may constitute only that portion of the approved preliminary plan that the applicant proposes to record and develop at any one time,

provided that such portion conforms to the requirements of these rules and regulations.

(c) The application shall not be accepted until the applicant or designated representative has paid the application fee as established by the City Council.

(d) The Administrative Official shall determine the number and format of the required submittal packets.

(1) A digital copy of the plat in the format to be determined by the City shall be submitted.

(e) The Administrative Official has the right to refer any plan to the full Commission for review.

(f) If the project required an easement or Right-of-Way dedication, the filed Easement Plat shall be presented as part of this packet.

(g) The Administrative Official is hereby authorized to review the Application for Approval of Final Large-Scale Development Plans and provide approval. If the Final Large-Scale Development Plan is satisfactory in light of the objectives of this Code and all required information is contained thereon, the Administrative Official shall certify its approval.

SECTION 5.14. SMALL SITE PLANS

5.14.1. Applicability

1. The Small Site Plan standards shall be applicable to any expansion of a Commercial, Institutional, Industrial, or Multifamily development not meeting the requirements for Large Scale Development, and, to any site where grading or clearing of land is being considered.

2. Additionally, the Small Site Plan Standards shall apply to site development work which can include, but is not limited to, the creation of new parking or outdoor storage areas, the expansion of existing parking or outdoor storage area, temporary parking or outdoor storage areas, and other site work on Commercial, Institutional, Industrial, and Multifamily developments that does not include any part of the building structure.

3. A Small Site Plan is required to be submitted to the Administrative Official for all applicable development regardless of zoning.

4. Single family residential and duplex residential construction are specifically exempted from this requirement when there is only one residential structure per lot.

5.14.2. Procedure

1. When a Small Site Plan, as defined, is involved, the applicant shall prepare and file with the City an Application for Approval of Small Site Plan.

2. Said Application shall be submitted, on forms generated by the City, to the City for Administrative Review.

3. Administrative Review for Small Site Plans and Grading Plans includes in-house review by the Fire Marshal, utilities, Administrative Official, as well as any other reviewers the Administrative Official feels are necessary.

4. The Administrative Official has the right to refer any plan to the full Commission for review.

5. The Application for Approval of a Small Site Plan shall consist of:

    (1) The completed application including signature of owners,

    (2) Warranty Deed from Benton County,

    (3) Parcel Map (showing location of subject property on a map including relationships to roads and areas surrounding parcel),

    (4) The application shall not be accepted until the Developer has paid the application fee as established by the City Council.

    (5) Any additional information requested by the Administrative Official required for review.

    (6) Plat Map shall be included with the Application. The required content of the plat is set forth below in Section 5.4.

    (7) The number of packets required to be submitted shall be determined by the City

        (A) A digital copy of the plat in the format to be determined by the City shall be submitted.

    (8) If the project requires an easement or Right-of-Way dedication, an Easement Plat shall be presented as part of this packet and filed with the Circuit Clerk if approved. See Section 5.15 for Easement Plat process.

6. The Administrative Official is hereby authorized to review the Application for Approval of Small Site Plans and provide approval.

    (1) The Administrative Official shall review the Final Small Site Plan.

    (2) If the Final Small Site Plan is satisfactory in light of the objectives of this Code and all required information is contained thereon, the Administrative Official shall certify its approval, make proper notation on

the initial plans, and permit the plan's recording in the office of the Circuit Clerk-Recorder.

5.14.3. Small Site Plan Requirements

1. The Small Site Plan shall be prepared by an engineer or surveyor, registered professionally to do business in the State of Arkansas.

SECTION 5.15. EASEMENT PLAT REQUIREMENTS

Projects other than subdivisions which are required to dedicate easements and/or right-of-way shall, before any sale of lots located in said development as a whole or any part thereof is made, or before building permits are approved, submit an application for an Easement Plat. The applicant shall submit to the City for review and approval an Easement Plat by the Planning Commission which shall consist of:

(a) One hard copy and one digital copy of the Final Easement Plat drawn at the same scale and dimensions used for the approved preliminary plat/plan to show:
   (1) Property lines
   (2) Required Setback on all sides
   (3) Metes and bounds legal description of the property
   (4) Dimensioned and labeled easement and right-of-way
   (5) North Arrow
   (6) Signature/Certification blocks
   (7) Legend
   (8) Vicinity Map
   (9) Name of Project
   (10) Name of Engineer
   (11) Stamp/seal of Arkansas State registered land surveyor or professional land surveyor
   (12) Names of all owners/developers of the project
   (13) Graphic scale and written scale
   (14) Centerline of adjoining right-of-way(s)
   (15) Date the plat was drawn and dates of any corrections
   (16) Dimension the right-of-way to be dedicated by the plat to meet Master Street Plan requirements.

(b) There shall be no additional fee for Easement Plat review.
(c) Subdivision applications may be required to submit an accompanying Easement Plat if Staff deems necessary for clarity.
(d) The Planning Commission shall review Easement Plats at its regularly scheduled monthly meeting. The Planning Commission shall then approve, conditionally approve, deny, or table the plat.

If the final plat is satisfactory in light of the objectives of this Code and all required information is contained thereon, the Administrative Official shall certify its approval of the plat, make proper notation on the original tracing of said plat, and permit the plan's recording in the office of the Circuit Clerk-Recorder.

SECTION 5.16. EASEMENT PLAT CERTIFICATES

Easement Plat Certificates – Easement Plats shall be required when Large Scale Developments or Small Site plans have easements and right-of-way dedications that must be filed appropriately. Each easement plat submitted to the staff for approval shall carry the following certificates printed thereon.

Certificate of Surveying Accuracy

I, _____, hereby certify that this plat correctly represents a boundary survey made by me and boundary markers and lot corners shown hereon actually exist and their location, type and material are correctly shown and all minimum requirements of the Arkansas Minimum Standards for Land Surveyors have been met.

Signature_____ Date _____

Registered Land Surveyor No. _____ State of Arkansas

(FOR APPROVED LSD PLANS)

Certificate of Approval for Recording

I hereby certify that the Preliminary Large-Scale Development Plan for this project was approved by the Gravette Planning Commission _____, _____, 20____.

Administrative or Planning Official _____ Date: _____

(FOR APPROVED SMALL SITE PLANS)

Certificate of Approval for Recording

I hereby certify that this Small Site Plan was approved administratively by the City of Gravette on _____, _____, 20____.

Administrative or Planning Official _____ Date: _____

Certificate of Ownership and Dedication

We the undersigned owners, representing one hundred percent (100%) ownership of the real estate shown and described herein, do hereby dedicate for public ownership, all streets and alleys as shown on this plat for public benefit as prescribed by law. The owners also dedicate to the City of Gravette and to the public utility companies the easements shown on this plat for the purpose of installation of new facilities and the repair of existing facilities. Also established hereby is the right of ingress and egress to said easements, the right to prohibit the erection of buildings, structures or fences within said easements, and the right to remove or trim trees within said easements.

Owner Signature_____ Date _____

Owner Signature_____ Date _____

Printed Name:_____ Address:_____

Printed Name:_____ Address:_____

Source Of Title: Book ____ Page____ Instrument Number:_____

Certificate of Final Easement Plat Approval

I hereby certify that this Final Easement Plat was approved by the City of Gravette on _____, _____, 20____.

Planning Official _____ Date: _____

City Clerk _____ Date: _____

Mayor_____ Date: _____

SECTION 5.17. STORMWATER PERMITS, GRADING, AND EROSION CONTROL

5.17.1. DEFINITIONS

- Area of Disturbance – cumulative area of land disturbing activities regulated herein.
- Agricultural Land Use Practices - Shall include land used for farming; ranching; algaculture meaning the farming of algae; aquaculture; apiculture; horticulture; viticulture; animal husbandry, including, but not limited to, the care and raising of livestock, equine, and fur-bearing animals; poultry husbandry and the production of poultry and poultry products; dairy production; the production of field crops, tobacco, fruits, vegetables, nursery stock, ornamental shrubs, ornamental trees, flowers, sod, or mushrooms; timber; pasturage; any combination of the foregoing; and the processing, drying, storage, and marketing of agricultural products when those activities are conducted in conjunction with, but are secondary to, such husbandry or production.
    - Agricultural land uses shall not include commercial or industrial scale processing or manufacturing facilities, livestock or other agricultural auction facilities, fairs or shows where livestock or agricultural products are displayed or judged, or any other activity clearly commercial in scale, scope, or use.
- Best Management Practices - Schedule of activities, practices, or procedures to prevent or reduce the pollution of water; includes treatments, structural and non-structural controls, drainage, storage, cleaning and disposal of raw or created gases, liquids, and solids.
- Operator – The party or parties that meet one or more of the following descriptions;
    - Has operational control over construction plans and specifications including the ability to make modifications to them;
    - Has daily operational control over activities at a site to ensure that compliance with a permit, or other regulatory actions
- * City Engineer – means the City of Gravette and its Consulting Engineer or appointed representatives, including assigned Staff engineers, technicians, and inspectors.
- Detention – the act of structurally directing and temporarily holding stormwater runoff for a period of time (detained), for slow release to a surface water body.
- * Developer - means any person(s), parties, partnerships, or corporations, private or public, engaging in land disturbing activities.
- Disturbance - burning, clearing, construction, cutting, damaging, destroying, digging, filling, grading, quarrying, scalping .
- * Drainage Area – the watershed area contributing surface and stormwater runoff to a stormwater management system.
- * Erosion – the removal of soil particles by the action of water, wind, ice, or other geological agents.

- Fee – Amount of monetary consideration required to be paid to the City prior to commencing permit review and processing.
- Permit – The SWM/GEC Permit issued to a Permitee that authorizes land disturbing activities regulated by said permit.
- Permitee – Person, Developer, or other entity who is issued a Permit
- Plan – The SWM/GEC Plan as required under section 5.18.3.b.
- Highly Erodible Soils - those soils with a slope greater than 15 percent or those soils with a soil erodibility factor, K, greater than 0.35 and having slopes greater than 5 percent.
- * Historic Discharge or Volume – the peak rate or volume at which stormwater runoff leaves a parcel of land in an undisturbed / natural site condition either by gravity or by the legally allowable discharge at the time of permit approval.
- * Impervious Surface – a surface that has been compacted or covered so that it is highly resistant to infiltration by water.
- Land - surface materials including all vegetation, and sub-surface material including all soils.
- Land Disturbing Activity - any use of land by any person, regardless of zoning district, inclusive of road/utility construction or maintenance, that results in a change in the natural cover or topography and that may cause, or contribute to detrimental impacts to the land, including but not limited to, sedimentation, erosion, runoff, and slope failure.
- Limits of Disturbance – boundaries whereby the area(s) of disturbance are delineated, and beyond which are left undisturbed.
- Notice of Violation – Document, issued by the Administrative Official or designee, notifying the Permitee and Operator that a permit violation has occurred.
- * Outfall – shall mean the terminus of a storm drain, where the contents are released.
- * Peak Discharge – the maximum rate of water flow at a given point and time resulting from a given storm event
- * Peak Discharge Attenuation – the reduction of the peak discharge of storm runoff by storage and gradual release of that stored flow.
- Property Owner – Person or persons, lending institutions, or any other entity that holds legal title land regulated herein.
- * Retention – the use of complete storage to prevent the discharge of a given volume of stormwater runoff into surface waters.
- Sedimentation - release and/or discharge of solid particulate matter, mineral or organic, usually transported by water from the site of its origin.

- Short-Term Activity Authorization - Permit required by the Arkansas Department of Environmental Quality to regulate the entry of machinery into water, debris removal from water or wetlands, bridge construction, and other activities that involves physical disturbance to the water or the stream bed itself.
- Special Flood Hazard Area - The land area covered by the floodwaters of the base flood is the Special Flood Hazard Area (SFHA) on NFIP maps. The SFHA is the area where the National Flood Insurance Program's (NFIP's) floodplain management regulations must be enforced and the area where the mandatory purchase of flood insurance applies. The SFHA includes Zones A, AO, AH, A1-30, AE, A99, AR, AR/A1-30, AR/AE, AR/AO, AR/AH, AR/A, VO, V1-30, VE, and V.
- * Stormwater – the flow of water that results from and occurs immediately following a rainfall event.
- * Stormwater Management System – includes all natural and man-made elements used to convey stormwater from the first point of impact with the surface of the earth to a suitable outlet location internal or external to the boundaries of the City. The stormwater management system includes all pipes, channels, streams, stream corridors, ditches, wetlands, sinkholes, detention/retention basins, ponds, lakes, and other stormwater conveyance and treatment facilities, whether public or private.
- * Stream Corridor – the landscape and physical features on both sides of a stream, including soils, slope, and vegetation, whose alteration can directly impact a stream's physical characteristics and biological properties.
- Steep Slopes – Slopes with gradients of twenty (20) percent or more
- * Surface Water – water that enters an open channel without infiltration into the soil.
- Wetland – area that are inundated or saturated by surface or ground water at a frequency and duration sufficient to support, and that under normal circumstances do support, a prevalence of vegetation typically adopted for life in saturated soil conditions. Wetlands generally include swamps, marshes, bogs, and similar areas.

5.17.2. ABBREVIATIONS:

- ACOE – (United States) Army Corp of Engineers
- ADEQ – Arkansas Department of Environmental Quality
- ADH – Arkansas Department of Health
- AOD – Area of Disturbance
- BMP – Best Management Practices
- EPA – (United States) Environmental Protection Agency
- FEMA – Federal Emergency Management Agency

- GEC – Grading and Erosion Control
- LOD – Limit of Disturbance
- NOV – Notice of Violation
- STAA – Short-Term Activity Authorization
- SFHA – Special Flood Hazard Area
- SWM – Stormwater Management

5.17.3. GENERAL PROVISIONS:

(a) Administration

Except as otherwise provided by this section, the City Administrator or designee shall, implement, enforce the provisions, and have final administrative authority.

(b) Purpose & Intent

(1). To safeguard the safety and welfare of citizens.
(2). To prohibit indiscriminate and/or excessive land disturbances within the City.
(3). To maintain and improve water quality impacted negatively by improper release of sediment and other forms of contamination into the Cities' conveyance system.
(4). To substantially reduce the negative impacts associated with excessive stormwater runoff, including flooding, slope failures, and damage to City property and infrastructure.
(5). To facilitate compliance with any state and federal regulations that may be imposed on owners of land within the City regulated herein.
(6). To aid in quality of life enhancement for citizens through preservation of existing natural vegetation.

(c) General Limitations and Conditions

(1). Developers engaged in land disturbing activities regulated in this Article shall take measures to protect neighboring public and private properties from damage by such activities. The requirements of this Article, however, are not intended to prevent the reasonable use of properties.

(2). Developers who engage in un-permitted land disturbing activities regulated by this Article, shall be required to restore the land, to the maximum extent practicable, to its original condition.

(3). For permitted land disturbances, the permittee shall ultimately be liable for all fines levied or remedial action associated with a Notice of Violation. Each violation shall be considered a separate offense.

(4). For un-permitted land disturbances, the property owner shall ultimately be liable for all fines levied or remedial action associated with a Notice of Violation. Each violation shall be considered a separate offense.

5.17.4. PERMITTING REGULATIONS:

(a) Permits Required; A SWM/GEC Permit is required for all Applicable Activities in this section.

(b) Applicable Activities: The following 'land disturbing activities' *are subject to* City Permitting Regulations.
   (1). Total disturbance of one (1) acre or more, whereby reaching this threshold may be achieved cumulatively, across multiple, non-contiguous areas of disturbance within a single project site.
   (2). Residential construction that is not part of a previously approved GEC/SWM Plan associated with residential subdivisions
   (3). Non-residential development that is not part of a previously approved GEC/SWM Plan associated with Large Scale Development review and approval requirements.
   (4). Occurring within or affecting steep slopes
   (5). Occurring within or affecting highly erodible soils
   (6). Constructing or expanding a vehicular use area
   (7). Expanding or rehabilitating a building where landscaping is required
   (8). Any project where a STAA is required by ADEQ
   (9). Any project where a Section 404 permit is required by ACOE
   (10). Any disturbance within the FEMA SFHA
   (11). Any disturbance within ACOE/EPA defined wetlands

(c) Exemptions: The following activities *are exempted from* these permitting regulations.
   (1). land disturbing activities of less than one (1) acre that are included within a previously approved GEC/SWM Plan associated with either subdivision submissions or Large-Scale Development review submissions.
   (2). Bona fide agricultural land use practices.
   (3). Maintenance of stormwater drainage system by the City or its contractors in the advent of preserving and/or enhancing system performance.
   (4). Disturbance associated with emergency responses, including but not limited to acts of god, and associated disasters, whether federally declared as such or not.

5.17.5. PERMIT APPLICATION:

Applications for SWM/GEC Permit include submitting the following items;

(a) Formal Application – To be completed on forms furnished by the City

(b) SWM/GEC Plan

Required for all projects with land disturbance of one (1) acre or more

Plan(s) shall provide the following minimum items;

(1). Updated survey boundary for subject property

(2). Land Use / Land Coverage

(3). Area(s) & Limit(s) of Disturbance

(4). Existing & Finished Topography / Grades

(5). Arrows showing direction of surface water / sheet-flow relative to finished grades

(6). Buildings, Improvements, streets, utilities, ditches, culverts, inlets, and other infrastructure

(7). BMP's location & type, inclusive of on/off site detention or retention, and structural BMP's

(8). FEMA SFHA (where present)

(9). Steep slopes (where present)

(10). Highly erodible soils (where present)

(11). Schedule of land disturbance (including phasing)

(c) SWM/GEC Cover Letter

Required for all projects that entail land disturbance between one (1) and five (5) acres, and shall be stamped by an Arkansas State licensed engineer, include a narrative summarizing the project, how the site will be managed , and how any increases in post-development runoff coefficients will be mitigated.

(d) SWM/GEC Drainage Report

Required for all projects that entail land disturbance more than five (5) acres, be produced and stamped by an Arkansas State licensed engineer, and include the following elements;

(1). Project title and date
(2). Project location: include the street address and a vicinity map;
(3). Site area: to the nearest 0.1 acre;
(4). Project description: a brief description of the proposed project;
(5). Project owner's name, address and telephone number;
(6). Aerial Photograph. Aerial photograph of the project vicinity, covering the project area and the totals lands that contribute runoff.
(7). Topographic map. Topographic map of the project are showing the location and elevation of benchmarks, including at least one benchmark for each control structure.
(8). *Soils and vegetation map*. Soils and vegetation map displaying the most recent U.S. Soil Conservation Service information and encompassing both the project area and the drainage area that contributes runoff.
(9). *Existing and proposed improvements*. Plans detailing existing and proposed building and pavement locations, proposed grading and drainage improvements, as well as supplemental details showing drainage release structures and stormwater conveyance systems.
(10). *Erosion control drawings*. Plans identifying the type, location, and schedule for implementing erosion and sediment control measures, including appropriate provisions for maintenance and disposition of temporary measures.

(11). *Site drainage*: a brief description of the site drainage for the proposed project;

(12). *Area drainage problems*: provide a description of any known on-site, downstream or upstream drainage/flooding problems;

(13). *Upstream and downstream drainage*:

a. pre- and post-developed drainage area maps as well as inlet area maps with the time of concentration flow paths and;
b. proposed and existing topography shown as appropriate;

(14). Summary of runoff: provide a table with the 1, 2, 5, 10, 25, 50, and 100-year storm flows for existing and proposed conditions (with and without detention if shown) and the proposed difference in flows;

(15). Calculations : provide copies of all calculations performed, including:

(A) Runoff flow calculations for the 1, 2, 5, 10, 25, 50, and 100-year storm events (existing and proposed conditions);
(B) Coefficients or runoff curve numbers;
(C) Inlet calculations, include any ponded area created at each;
(D) Pipe or culvert calculations;
(E) Open-channel calculations including any flumes;
(F) Detention calculations including:

1. Basin sizing calculations.
2. Outlet structure design with release rates computations for the 1, 2, 5, 10, 25, 50, and 100-year storm events;
   i. Stage-storage and stage-discharge curves; and
   ii. Hydraulic grade line calculations.

(16). <u>Recommendations/Summary: description of any assumptions made in the calculations, drainage improvements to be made to the site and the expected effects of the project.</u>

(17). <u>Certification : all</u> drainage reports shall be signed, sealed and dated by an engineer registered in the State of Arkansas and shall include the following certification:

I _____, Registered Professional Engineering No. _____ in the State of Arkansas, hereby certify that the drainage designs and specifications contained in this Report have been prepared by me, or under my responsible supervision, in accordance with the regulations of the City of Gravette, Arkansas, the Professional Engineers Registration Act of the State of Arkansas, and reflect the application of generally accepted standards of engineering practice. I further certify that the improvements outlined in this Report will not have any adverse effects to life or downstream properties. I understand that review of these plans is limited to general compliance with the City codes and regulations and does not warrant the engineer's design or imply any liability to the City of Gravette for the designs contained herein.

5.17.6. PERMIT REVIEW & PROCESSING:

(a) Staff shall not accept for intake and review any SWM/GEC Permit application, or associated materials, without also receiving the requisite review fee .

i. Permit Fee for Land Disturbance between one (1) acre and five (5) acres = $200.00

ii. Permit Fee for Land Disturbance more than five (5) acres = $400.00

(b) Permit application and materials shall be reviewed by the Administrative Official for completeness and accuracy.

(c) Before construction may begin, all structural BMP's shall be installed. Once installation of structural BMP's has been completed, the Operator shall notify the City to schedule a site-inspection by the City or other authorized personnel. Upon acceptance of the structural BMP's installed, a pre-construction conference will be scheduled, and conducted

(d) Upon conclusion of the pre-construction conference, the City will then issue the SWM/GEC Permit. Construction may begin upon City approval following the pre-construction conference.

5.17.7. SITE MANAGEMENT REQUIREMENTS:

(a) The Operator listed on the duly issued SWM/GEC Permit shall be responsible for compliance with this Section.

(b) Solid waste, industrial waste, yard waste and any other pollutants or waste on any land within the City regulated herein shall be controlled through the use of BMP's. Waste or recycling containers shall be provided and maintained by the operator on land within the City regulated herein, where there is the potential for release of waste. Uncontained waste that may blow, wash or otherwise be released from the site is prohibited.

(c) Ready-mixed concrete, or any materials resulting from the cleaning of vehicles or equipment containing or used in transporting or applying ready-mixed concrete, shall be contained on land within the City regulated herein for proper disposal. Release of these materials is prohibited.

(d) BMP's shall be implemented to prevent the release of sediment from land within the City regulated herein. Disturbed areas shall be minimized, disturbed soil shall be managed, and land otherwise regulated herein shall be managed to prevent sediment tracking. Excessive sediment tracked onto public streets shall be removed immediately.

(e) No construction of any development may proceed nor may an applicant receive a Building Permit, nor may Final Plat approval be issued for a subdivision without an

approved bond being posted for the cost of the site development work that would cause land disturbing activity unless the Developer has; (1) The approved drainage and/or detention facilities constructed and certified by the project Engineer of Record with "As-built" plans being submitted to the City, or (2) If determined necessary by the City Administrator, a SWM/GEC Plan must be submitted for approval.

(f) The permitee shall have on the project site, at all times, an Operator who is knowledgeable of all plans, specifications and requirements of the work pursuant to the permit conditions. The Operator shall have full authority to issue orders or direction to persons on-site, without delay and to promptly supply materials, labor, equipment, tools, and any other items that may be required to complete the permitted work in a safe and proper manner. If no Operator is on site, the Administrative Official or designee may issue a Notice of Violation and associated Stop Work Order.

(g) Upon completion of permitted construction activity on any site, and after the permit has been closed, the property owner and subsequent property owners will be responsible for continued compliance with the requirements of this Article, in the course of maintenance, reconstruction or any other construction activity on the site.

5.17.8. APPEALS FROM THE DECISIONS OF THE ADMINISTRATIVE OFFICIAL:

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

SECTION 5.18. DESIGN STANDARDS FOR LARGE SCALE DEVELOPMENTS, DUPLEXES, TRIPLEXES, QUAD PLEXES, AND MULTIFAMILY DEVELOPMENTS.

5.18.1. General

(a) Purpose and intent:

The design standards in this section are intended to implement the city's vision for commercial, multifamily residential, institutional and industrial developments. The intent of these standards is to improve the overall quality of commercial, multifamily residential, institutional and industrial developments with surrounding land uses and enhance pedestrian safety and walkability.

(b) Applicability:

The provisions of this section shall apply to all developments requiring large scale development approval, and multifamily development (including duplex units).

(c) Exemptions: Reserved.

(d) Review Process:

These standards shall be applied in the normal review process for large scale developments and shall be approved by the Planning Commission. Design standards for projects exempt from large-scale development standards, but requiring review by this section, shall be reviewed at the time a building permit is submitted and approved by the Administrative Official.

(e) Requirements:
Building plans shall be stamped/signed by an appropriate Registered Professional in the State of Arkansas, to ensure compliance with Arkansas State Fire Prevention Code, and life safety regulations as well as the design elements detailed below.

5.18.2. Duplexes, triplexes, and quadplexes.

(a) Building Design

(1) For all duplex, triplex, and quadplex units, the garage shall be placed and recessed behind the front façade. Each entry, whether combined with an adjacent unit, or individual entries, shall be clearly visible on each building. Each building façade shall have articulation. No blank façades are to be accepted.

(2) The primary material shall constitute at least 50% of the visible facade area, excluding glass, and 25% of all other sides of the structure. The primary exterior material shall consist of a combination of brick, textured concrete block, stucco, wood, synthetic stone or natural stone. The remaining exterior material shall be considered building trim. *Trim* is defined as an ornamental design feature, that when removed does not significantly alter the appearance of the building. This commonly consists

of moldings, cornices, parapet, frieze, sills, lintels, stringcourse, quoining, and ledgement. No masonite, asphaltic exterior wall or roof material, aluminum or steel siding (other than approved architectural metal), non-textured concrete block (ground-faced is allowed), vinyl or other similar materials shall constitute a portion of any building except trim.

(A) Visible façade includes all sides facing a street frontage, when visible from a public right-of-way, when impacting a marginally compatible use, or when impacting a residential use/residential zoning category.

(b) Site Planning

(1) Trash and solid waste disposal areas shall be screened. For individual trash service, the duplex, triplex, or quadplex shall be designed in a manner that provide a means to store trash receptacles out of sight.

(2) Duplex, triplex, and quadplex building designs shall be varied. There shall be a minimum of three (3) alternative building designs before a repeat design may be utilized. In no case shall two identical building designs be placed adjacent to one another. The level of variation in building design shall be approved by the Administrative Official.

5.18.3. Commercial, institutional, and Multifamily uses.

(a) Building Design

(1) *Material.* The primary material shall constitute at least 75% of the visible façade wall area, excluding glass, and 25%of all other sides of the structure. The primary exterior material shall consist of a combination of brick, textured concrete block, stucco, wood, synthetic stone or natural stone. The remaining exterior material shall be considered building trim. *Trim* is defined as an ornamental design feature, that when removed does not significantly alter the appearance of the building. This commonly consists of moldings, cornices, parapet, frieze, sills, lintels, stringcourse, quoining, and ledgement. No masonite, asphaltic exterior wall or roof material, aluminum or steel siding (other than approved architectural metal), non-textured concrete block (ground-faced is allowed), vinyl or other similar materials shall constitute a portion of any building except trim.

(2) *Color.* The building's exterior color scheme shall utilize primarily muted, neutral, or earth tone type colors. The primary use of bright, intense, or extreme colors not consistent with the adjoining developments shall not be permitted. This regulation is not intended to prohibit the use of these colors for specifically approved architectural detailing.

(3) *Compatibility.* All commercial and multifamily structures shall be designed in a manner compatible with other structures in the surrounding vicinity. The exterior building design, including roof style, color, materials, architectural form and detailing, shall be consistent among all buildings in a common commercial development and on all elevations of each building to achieve design harmony and continuity within itself.

(4) *Scale and bulk.* The height and scale of new buildings shall be consistent or compatible with the height and scale of adjacent buildings. Special care, however, shall be taken to achieve the compatibility of larger buildings next to small scale buildings; techniques shall include limited size, building articulation, and shadow patterns. The scale of the building shall also consider building setback, lot size and relationship to street width.

(5) *Wall articulation.* Buildings shall avoid long uninterrupted façade planes and/or blank walls. All commercial and multifamily buildings with facades greater than 50 feet in length shall incorporate wall plane projections or recess that are at least two feet deep. Projections/recess must be at least 25% of the length of the façade. No uninterrupted length of a façade may exceed 50 feet in length.

(6) *Visible Facades.* All commercial and multifamily structures shall be architecturally finished on all sides with same materials, detailing, and features when visible from the public realm or adjacent residential areas. The degree of visibility from the public realm shall be evaluated using the following criteria:

(A) The degree of visibility from all adjacent public ways;
(B) Possible visibility from future public ways based on the Master Street Plan;
(C) Internal overall appearance in relation to the site; and
(D) If adjacent to, and visible from, residential uses, residential zoning categories, or other marginally compatible uses.

(7) *Roofs.* Roof lines and/or parapets shall be varied with a change in height every 100 linear feet in the building length. Parapets, gable roofs, high roofs, or dormers shall be used to conceal flat roofs and rooftop equipment from public view. Alternative lengths and designs may be acceptable and may be approved by Planning Commission.

(8) *Entrances.* Each primary building on a site, regardless of size, shall have clearly defined, highly visible customer entrances featuring no less than two of the following:

(A) Canopies or porticos;
(B) Overhangs;
(C) Recesses/projections;
(D) Arcades;
(E) Raised corniced parapets over the door;
(F) Peaked roof forms;
(G) Arches;
(H) Architectural detail such as tile work and moldings integrated into the building structure and design;
(I) Integral planters or wing walls that incorporate landscaped areas and/or places for sitting; or
(J) Other architectural features approved by Planning Commission.

(9) Architectural details. All buildings except in agriculture and industrial zones shall be designed to incorporate no less than three of the architectural elements from the list below, in addition to regulations regarding the design of entrances above. Buildings over 50,000 square feet shall include a minimum of five of the referenced architectural elements. Buildings over 100,000 square feet shall include a minimum of six of the referenced architectural elements.

(A) Canopies, awnings, or porticos;
(B) Recesses/projections;
(C) Arcades;
(D) Peaked roof forms;
(E) Arches;
(F) Display windows;
(G) Accent materials (minimum of 15% of exterior façade);
(H) Architectural details (such as tile work and moldings) integrated into the building façade;
(I) Articulated cornice line;
(J) Articulated ground floor levels or base;
(K) Varied roof heights; or
(L) Other architectural features approved by Planning Commission.

(b) Utility and mechanical equipment screening.

(1) Screening of service yards, utility meters and hardware, mechanical equipment, refuse areas, and/or other potentially unattractive places from public view, shall be accomplished by the use of walls, fencing, planting, or a combination of the measures that follow. Screening shall be equally effective in the winter and the summer seasons. For rooftop equipment, parapet walls or other screening methods approved by Planning Commission are required along street frontages and bordering residential areas.

(2) Adjusting the architectural or landscape profile to screen those elements from view.

(3) Placing those elements on service courts or other locations usable by the general public.

(4) Integrating those elements into the architecture or landscaping of the site.

(5) The degree of visibility and screening of service yards, utility meters and hardware, mechanical equipment, refuse areas, and/or other potentially unattractive places shall be evaluated using the following criteria:

(A) The degree of visibility from all adjacent public ways;
(B) The architectural compatibility of the design and color of the yards, meters and equipment of the building;
(C) Possible visibility from future public ways;
(D) Internal overall appearance in relation to the site; and
(E) If adjacent to and visible from residential uses, residential zoning categories, or other marginally compatible uses.

(c) Building Orientation.

(1) Place as much of the building width at the front of the lot as possible to maximize front façade exposure to the public. The front façade shall be kept parallel with the street. On corner lots, place as much building mass near the intersection as possible to help anchor the lot and take advantage of high visibility.

(d) Parking Layout

(1) Commercial uses.
- (A) No more than 50% of the off-street parking area for the entire property shall be located between the front façade within the front yard of the principal building and the primary abutting street unless the principal building and/or parking lots are screened from view by out-lot development and additional tree plantings or berms.
- (B) Adjacent parking lots shall be linked, or shared parking areas provided, which can serve neighboring buildings simultaneously.
- (C) Shared drives and cross access between properties shall be required to adjacent developed and undeveloped properties.
- (D) Access easements shall be shown on the site plan to provide cross access to adjacent properties.
- (E) The location of this cross access shall be approved by the Planning Commissioner.
- (F) Parking lots shall be designed in regular, rectangular shapes.

(2) Multifamily uses.
- (A) Parking is to be primarily interior to the development with the building façade along the street, unless the parking lots are screened from view by additional landscape buffering.
- (B) If a primary street is required for connectivity, parking may be placed along this street, but must be clearly defined by landscaped curb bump outs between buildings, or every ten (10) parking spaces.
- (C) Shared drives and cross access between properties shall be required to adjacent developed and undeveloped properties.
- (D) Access easements shall be shown on the site plan to provide cross access to adjacent properties.
- (E) The location of this cross access shall be approved by the Planning Commissioner.

(e) Pedestrian circulation.
- (1) Clearly defined pedestrian walkways or paths shall be provided from parking areas to primary building entrances.
- (2) Design walkways and parking lots so that pedestrians do not have to cross parking aisles and landscape islands to reach building entries.
- (3) All internal walkways in parking lot areas shall be distinguished from driving surfaces through the use of durable, low maintenance surface materials such as concrete, pavers, bricks, or stamped concrete to

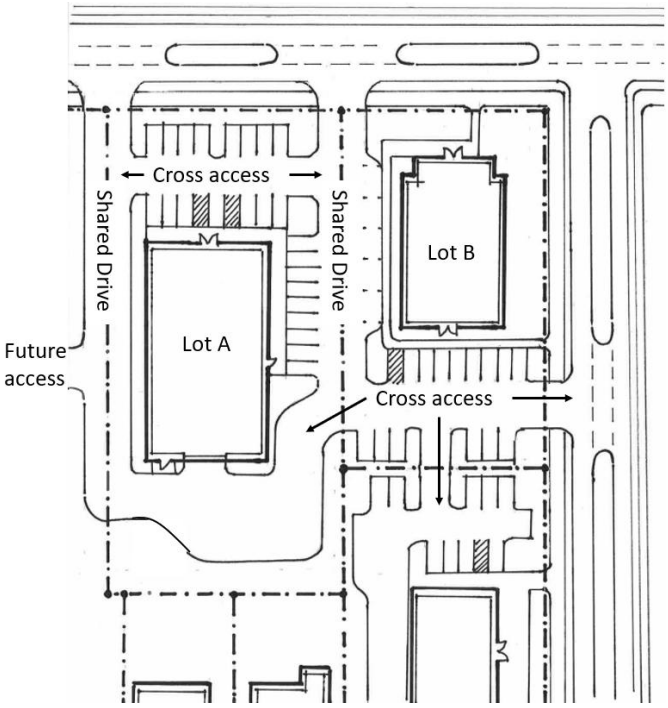
enhance pedestrian safety and comfort, as well as the attractiveness of the walkways.

(A) Painted crosswalks shall not be considered sufficient definition of the pedestrian path from the driving surface.

Access Required

Access and Shared Drives

- Cross Access is required for commercial developments.
- Access must be in the form of a Legal Access Easement and shown on the Large-Scale Development Plans.
- Access must be planned for adjacent properties that are undeveloped or under-developed.



(f) Amenities: multifamily uses.

(1) All multifamily developments with over 40 units shall provide at least one of the following amenities:

(A) Pool - sized appropriately. To be reviewed by the Administrative Official and approved by the Planning Commission;

(B) Club house;

(C) Private park with at least one piece of children's playground equipment, park benches, and landscaping sized appropriately. To be reviewed by the Administrative Official and approved by the Planning Commission;

(D) Splash pad park;

(E) Dog park with appropriate facilities;

(F) Sports facility. Can included bocce court, volleyball court, basketball court, tennis court, soccer field, disk golf course, or other facility approved by the Planning Commission;

(G) Hiking or biking trails; and/or

(H) Other amenity approved by the Planning Commission

(2) All multifamily developments with over 100 units shall provide at least two amenities. All multifamily developments with over 200 units shall

provide at least three amenities. For every 150 units over 200, an additional amenity shall be required.

(3) These amenities should be centrally placed and shall be accessible by internal walkways.

(4) All amenities shall be maintained by the apartment complex manager.

5.18.4. Industrial uses. The division applies to buildings within industrial zones only.

(a) Building Design

(1) Material.

(A) All industrial buildings shall at a minimum have a decorative wainscot of no less than four feet tall, and entry façade at the main entrance that extends to the roofline on all visible facades.

(B) The wainscot and entry façade material shall consist of a combination of brick, textured concrete block, stucco, wood, synthetic stone, or natural stone.

(C) The remaining exterior material shall not include masonite, asphaltic exterior wall or roof material, aluminum or steel siding (other than approved architectural metal), non-textured concrete block (ground-faced is allowed), vinyl, or other similar materials.

(1) A waiver request may be submitted to the Planning Commission for review to allow aluminum or steel siding.

(D) Building trim shall also be included. TRIM is defined as an ornamental design feature, that when removed does not significantly alter the appearance of the building. This commonly consists of moldings, cornices, parapet, frieze, sills, lintels, stringcourse, quoining, and ledgement.

(2) Color.

(A) The building's exterior color scheme shall utilize primarily muted, neutral, or earth tone type colors.

(B) The primary use of bright, intense, or extreme colors not consistent with the adjoining developments shall not be permitted.

(C) This regulation is not intended to prohibit the use of these colors for specifically approved architectural detailing.

(3) Compatibility.

(A) All industrial structures shall be designed in a manner compatible with other structures in the surrounding vicinity.

(B) The exterior building design, including roof style, color, materials, architectural form and detailing, shall be consistent among all buildings in a common development and on all elevations of each building to achieve design harmony and continuity with itself.

(4) Scale and bulk.

(A) The height and scale of new buildings shall be consistent or compatible with the height and scale of adjacent buildings.

(B) Special care shall be taken to achieve the compatibility of larger buildings next to small scale buildings; techniques shall include limited size, building articulation, and shadow patterns.
(C) The scale of the building shall also consider building setback, lot size, and relationship to street width.

(5) Wall articulation.
(A) Buildings shall avoid long uninterrupted façade planes and/or blank walls.
(B) All industrial buildings with façades greater than 300 feet in length shall incorporate wall plane projections or recesses that are at least two feet deep.
(C) Projections/recesses must be at least 25% of the length of the façade.
(D) No uninterrupted length of a façade may exceed 300 feet in length.

(6) Visible Façades.
(A) All industrial structures shall be architecturally finished on all sides, with the same materials, detailing, and features when visible from the public realm or adjacent to residential areas.
(B) The degree of visibility from the public realm shall be evaluated using the following criteria:
(1) The degree of visibility from all adjacent public ways;
(2) Possible visibility from future buildings and public ways;
(3) Internal overall appearance in relation to the site; and
(4) If adjacent to, and visible from, residential uses, residential zoning categories, or other marginally compatible uses.

(7) Roofs.
(A) Roof lines and/or parapets shall be varied with a change in height every 300 linear feet in the building length.
(B) Parapets, gable roofs, high roofs, or dormers shall be used to conceal flat roofs and rooftop equipment from public view.
(C) Alternative lengths and designs may be acceptable and may be approved by the Planning Commission.

(8) Entrances. Each primary building on a site, regardless of size, shall have clearly defined, highly visible customer entrances featuring no less than two of the following:

(A) Canopies or porticos;
(B) Overhangs;
(C) Recesses/projections;
(D) Arcades;
(E) Raised corniced parapets over the door;
(F) Peaked roof forms;
(G) Arches;
(H) Architectural detail such as tile work and moldings integrated into the building structure and design;

(I) Integral planters or wing walls that incorporate landscaped areas and/or places for sitting; or
(J) Other architectural features approved by the Planning Commission.

2. Utility and mechanical equipment screening.
   (1) Screening of service yards, utility meters and hardware, mechanical equipment, refuse areas, and/or other potentially unattractive places from public view, shall be accomplished by the use of walls, fencing, planting, or a combination of the measures that follow. Screening shall be equally effective in the winter and the summer seasons. For rooftop equipment, parapet walls or other screening methods approved by the Planning Commission are required along street frontages and bordering residential areas.
      (A) Adjusting the architectural or landscape profile to screen those elements from view.
      (B) Placing those elements on service courts or other locations usable by the general public.
      (C) Integrating those elements into the architecture or landscaping of the site.

   (2) The degree of visibility and screening of service yards, utility meters and hardware, mechanical equipment, refuse areas, and/or other potentially unattractive places shall be evaluated using the following criteria:
      (A) The degree of visibility from all adjacent public ways;
      (B) The architectural compatibility of the design and color of the yards, meters, and equipment of the building;
      (C) Possible visibility from future buildings and public ways;
      (D) Internal overall appearance in relation to the site; and
      (E) If adjacent to and visible from residential uses, residential zoning categories, or other marginally compatible uses.

3. Site planning.
   (1) Building Orientation.
      (A) Buildings shall be placed so that they have the least amount of impact on surrounding properties.
      (B) Buffering, landscaping, and setbacks should be used to enhance compatibility when and industrial use is abutting a commercial use, marginally compatible use, or when abutting a residential use/residential zoning category.

   (2) Parking Layout.
      (A) No more than 60% of the off-street parking area for the entire property shall be located between the front façade within the front yard of the principal building and the primary abutting street, unless the principal building and/or parking lots are screened from view by outlot development and additional tree plantings or berms.
      (B) Whenever possible, link with adjacent parking lots or provide shared parking areas which can serve neighboring buildings simultaneously.
      (C) Parking lots shall be designed in regular, rectangular shapes.
      (D) Shared drives and cross access between properties shall be required to adjacent developed and undeveloped properties.

(E) Access easements shall be shown on the site plan to provide cross access to adjacent properties.
(F) The location of this cross access shall be approved by the Administrative Official.

4. Pedestrian circulation.
   (A) Clearly defined pedestrian walkways or paths shall be provided from parking areas to primary building entrances.
   (B) Design walkways and parking lots so that pedestrians do not have to cross parking aisles and landscape islands to reach building entries.
   (C) All internal walkways shall be distinguished from driving surfaces through the use of durable, low maintenance surface materials such as pavers, bricks, or scored concrete to enhance pedestrian safety and comfort, as well as the attractiveness of the walkways.
   (D) Painted crosswalks shall not be considered sufficient definition of the pedestrian path from the driving surface.

ARTICLE 6 GENERAL & TECHNICAL SPECIFICATIONS

SECTION 6.1. GENERAL DESIGN REQUIREMENTS

6.1.1. General

Every applicant 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.

6.1.2. Standards for streets

1. Layout of Streets. The location and width of all streets, thoroughfares, and roads throughout the city planning area shall conform to the Master Street Plan. The arrangement, character, extent, width, grade and location of all streets shall be designed in accordance with the following provisions:

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

    (A) The entire ROW, as required by the Master Street Plan, shall be provided where any part of the subdivision is on both sides of an existing street.

    (B) When the subdivision is located on only one (1) side of an existing street, one-half (1/2) of the required ROW, in no case less than twenty-five (25) feet, measured from the centerline of the existing ROW shall be provided.

    (C) Paving and other improvements shall be installed in accordance with the established standards for improvements for that portion of the affected streets.

    (D) Existing street sections which do not meet city standards for width and construction standards and which abut any property submitted for subdivision or replatting, that result in a greater number of lots than the number existing, may be subject to improvement to city standards. This determination shall be made by the Planning Commission and City Engineer using reasonable improvement requirement guidelines.

    (E) When a tract fronts on Arterial Boulevards, Minor Arterials, or Collectors, the Planning Commission may require affected lots fronting on such major streets to be provided with frontage roads.

    (F) Single family residential subdivision developments shall provide for driveway access to local streets.

(1) The provision of driveway access to collector streets shall be discouraged.
(2) Direct access to Minor Arterial and higher functional classification of streets shall be prohibited.
(3) The developer in the subdivision process may apply to the Planning Commission for a waiver to this driveway access regulation.
(4) The application for a waiver must be justified to the Planning Commission as a "no reasonable alternative" situation based on physical characteristics of the property proposed for subdivision development.

(2) Streets shall be related appropriately to the existing topography so as to produce buildable lots and streets of reasonable gradient.

(A) Street grades and alignment shall conform reasonably to the original topography.

(B) In steep areas, through-streets should generally follow contour lines rather than cross them.

(C) Combinations of steep grades and curves shall be avoided. Sudden and frequent changes in grade along arterials shall be avoided.

(D) Sharp horizontal curvatures should be avoided if possible, at or near the high point of a crest, vertical curve, or near the low point of a pronounced sag or vertical curve.

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

(3) The proposed street layout should be appropriate for the type of development proposed and integrated with the street system in the adjoining subdivisions. The layout shall also conform to existing and proposed land uses for the area.

(4) The designers of residential streets are encouraged to lay out the streets to promote slow speeds, provide connectivity, to permit efficient drainage and utility systems, and to require the minimum length of pavement necessary to provide convenient and safe access to property.

(A) All methods must meet all relevant city regulations and must be approved by the mayor or his designee.

(B) If the Planning Commission determines that a residential street is being designed in such a way as to encourage high-speed and/or cut through traffic, it may require changes in the design and platting of that street or the use of traffic calming techniques so as to slow traffic and discourage cut-through traffic.

(C) At the initiation of the applicant, any such required change may be appealed to the city council.

(5) Proposed through streets shall be extended to the boundary lines of the tract to be subdivided unless the planning commission has determined that such extension is not necessary or desirable for the coordination of the layout of the subdivision with existing and adjoining parcels.

(6) New boundary streets (those bordering the perimeter of the property) shall be avoided except where the requirement of the Master Street Plan provides a defined alignment.

(A) The Planning Commission may authorize a new boundary street when the applicant proposes to dedicate the entire right-of-way and construct all the required improvements.

(B) In no case shall an applicant retain a parcel of land lying between a newly created boundary street and a former property line, the purpose of which would be to deny access by abutting owners.

(C) Where the plat to be submitted includes only a part of the tract owned or intended to be subdivided by the applicant, a tentative plan of proposed future street system for the remaining portion of property shall be prepared and submitted to the Planning Commission.

(D) Furthermore, proper access in the form of stub streets or temporary dead-end streets shall be provided to adjacent unplatted property unless, in the judgment of the Planning Commission, topographic conditions or physical constraints preclude reasonable provision of such access or alternate routes are or will be available in the future.

(E) Stub out streets shall be placed to conform with the required block lengths.

(7) Cul-de-sac and dead-end streets.

(A) Dead end streets are discouraged and should be used sparingly and only in unique situations. Further, cul-de-sac streets tend to reduce the number of connections and choices available for people traveling by automobile and increase congestion on other streets.

(B) All dead end streets shall end in a cul-de-sac having an outside right-of-way diameter of at least one hundred (100) feet and a pavement width of at least eighty (80) feet, or an alternative design approved by the city and the Fire Department.

(C) Cul-de-sac streets or courts designed to have one end permanently closed or streets or street loops with a single access shall have a distance no greater than 650-ft. from the point of access to the nearest point of the furthest lot with the distance measured along the shortest route within the street right-of-way.

(D) Where a street does not extend to the boundary of a subdivision and its continuation is not necessary for access to adjoining property, its terminus shall be no closer than 50-ft. to such boundary.

(E) An acceptable turnaround, approved by the Administrative Official, shall be provided at the end of all permanent dead end streets exceeding 150 ft. in length.

(F) In the case of temporary dead-end streets, less than 150-ft. in length, which are stub streets designed to provide future connections with unsubdivided adjacent areas, the Planning Commission may require a temporary easement for a turnaround of the type discussed above.

(8) Alleys.

(A) Alleys may be required at the rear of all lots to be used for business purposes but shall not be provided in residential blocks except where an applicant produces evidence satisfactory to the Commission of the need for alleys.

(9) Intersections and alignment.

(A) Street intersections shall be laid out as nearly at right angles as possible. The centerline of no more than two streets shall intersect at any one point.

(B) No intersection shall be at an angle of less than 75 degrees and where collector and arterial streets intersect other collector or arterial streets, the curb radii at the intersection shall not be less than 35-ft.

(C) Where residential streets intersect with other residential, collector or arterial streets, the curb radii at the intersection shall not be less than 25-ft.

(D) The centerline of no more than two (2) streets shall intersect at any one (1) point. Detailed designs of intersections may be required.

(E) Property line radius at street intersections shall not be less than twenty-five (25) feet and where the angle of street intersection is less than ninety (90) degrees the Commission may require a greater radius.

(F) Local street centerline offsets of less than 125-ft. shall not be permitted.

(G) Proposed new intersections along one side of an existing street shall, wherever practical, coincide with any existing intersection on the opposite side of the street.

(H) In proximity to intersections of collector streets and above in the functional classification system and Master Street Plan, centerline offsets of less than 250-ft. shall be avoided.

(I) Additional street paving and right-of-way in the form of turning lanes and acceleration lanes shall, upon consultation with the Mayor, the Mayors designee, or Administrative Official, be required along arterial streets at intersections with other arterial or collector streets.

(J) Street intersections shall be located to avoid creating hazardous driving conditions.

6.1.3. Block Layout/Connectivity.

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

(1) Provision of adequate building sites suitable to the special needs of the type use contemplated.

(2) Zoning requirements as to lot sizes and dimensions.

(3) Needs for convenient access, circulation, control and safety of street traffic.

(4) Limitations and opportunities of topography.

(5) Block Length. Block lengths and street intersections are directly tied to the functional hierarchy of the street pattern that exists or is proposed and the overall density of the proposed project and surrounding properties.

(A) Local and Residential. In no case shall a block exceed 600 feet in length.

1. High Density includes areas in which the overall development will have more than 12 units per acre. Intersections shall occur at a minimum of one every 300 feet.

2. Medium Density includes areas in which the overall development will have between 4 and 11 units per acre. Intersections shall occur at a minimum of one every 400 feet.

3. Low Density includes areas in which the overall development will be 3 units per acre or less. Intersections shall occur at a minimum of one every 600 feet.

4. Residential blocks shall be wide enough to provide two (2) tiers of lots of minimum depth, except where fronting on Arterial Boulevards, Minor Arterials, or Collectors or prevented by topographical conditions or size of the property, in which case the Commission may approve a single tier of lots of minimum depth.

5. Commercial, Institutional, Industrial. The preference shall be for block lengths not to exceed 400 feet, however, alternative block lengths may be considered on an individual basis.

    - Waivers. Block length standards may be modified by the Planning Commission when terrain, topographical features, existing barriers or streets, size or shape of the lot, or other unusual conditions justify a departure.

6.1.4. Roadway Classification and Typical Sections

Roadway typical sections and minimum design standards shall be provided as noted in Table 6.1.4.01.

(1) **Table 6.1.4.01: Roadway Typical Section and Design Standards per Street Classification** .

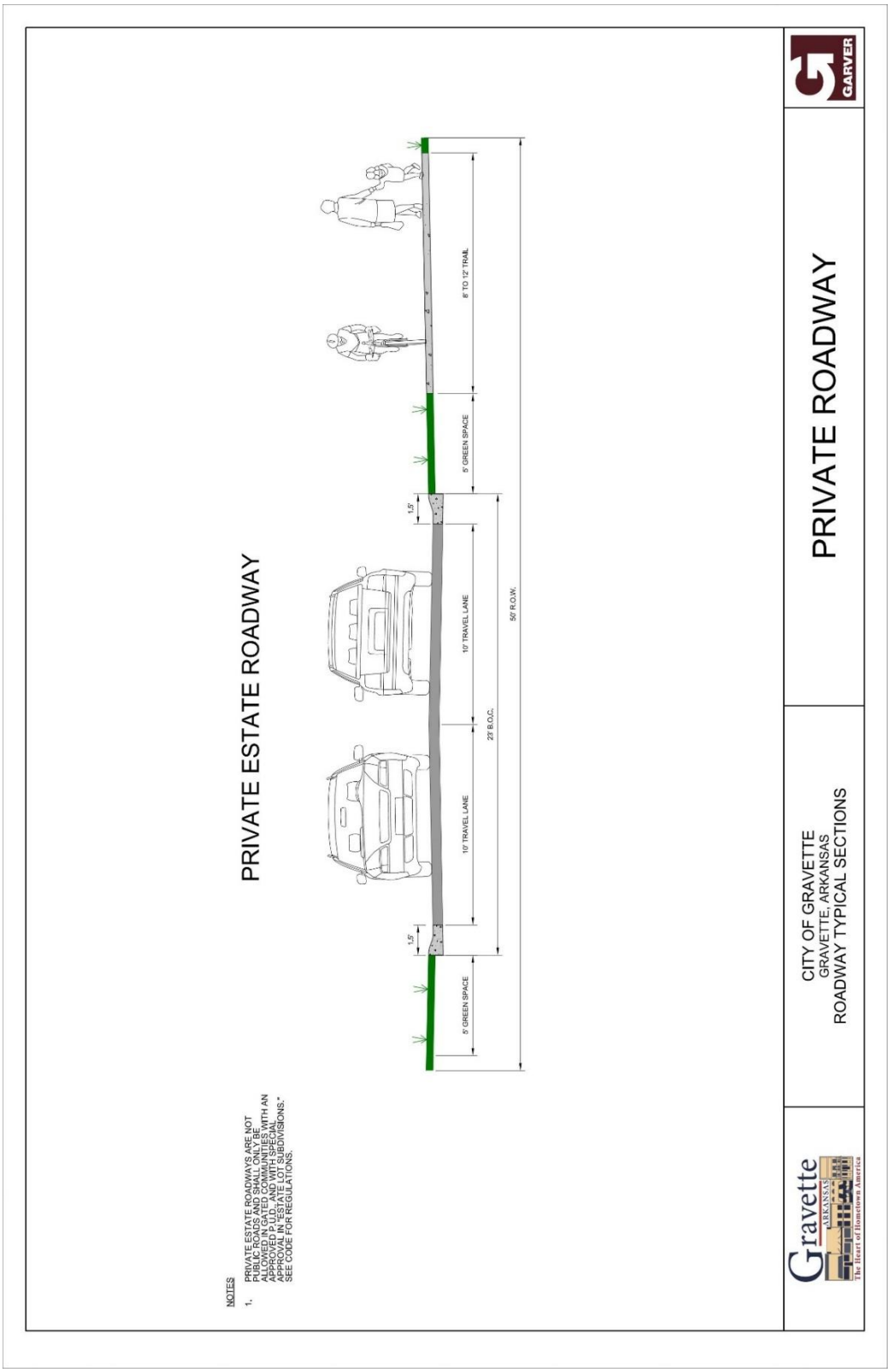
Street Classification	Local w/On Street Parking	Downtown	Rural Collector	Collector w/Trail	Collector Blvd w/Trail	Minor Arterial w/Trail	Arterial Blvd.
Design Speed (MPH)	25	25	30	30	30	40	45
Maximum Grade %	10	10	10	10	10	8	7
Number of Lanes	Two 10' Travel Lanes w/7' On Street Parking Lane	Two 10' Travel Lanes w/ 7.5' On Street Parking Lane, and 18.5' On Street Parking Lane	Two 11' Travel Lanes	Two 11' Travel Lanes, 12' Center Turn Lane	Two 11' Travel Lanes, 9' Median	Four 11' Travel Lanes w/12' Center Turn Lane	Four 11' Travel Lanes w/9' Center Median
Min. Back of Curb Width (ft.)	29	47	Min. EOP 22' Min. 4' shoulders	37	2 sides- 14' each	59	2 sides- 25' each
Min. ROW	50	65	70	70	70	90	100
Min. Paved Width (ft.)	26	43.5	22	34	2 sides- 11' each	56	2 sides- 22' each
Min. sight distance (ft.)	155	155	200	200	200	305	360
Min. horizontal centerline radius (ft.)*	200	200	333	333	333	765	1040
Minimum horizontal tangent between reverse curves (ft.)	100	100	200	200	200	400	400
Pedestrian accommodations	5' sidewalk both sides	6' sidewalk, 12' sidewalk-to match existing conditions	12' trail	6' sidewalk, and 12' trail	6' sidewalk, and 12' trail	6' sidewalk 12' trail	6' sidewalk 12' trail

Street Classification	Local w/On Street Parking	Downtown	Rural Collector	Collector w/Trail	Collector Blvd w/Trail	Minor Arterial w/Trail	Arterial Blvd.
Greenspace (ft.)	5' greenspace both sides	No Require-ment	Variable width trapezoidal ditch	7' greenspace both sides	7' greenspace both sides	6' greenspace both sides	11' greenspace both sides
Min. Curb Width/Shoulder Width (ft.)	1.5' Curb & Gutter	1.5' Curb & Gutter	Min. 4' shoulders	1.5' Curb & Gutter	1.5' Curb & Gutter	1.5' Curb & Gutter	1.5' Curb & Gutter

*minimum horizontal radii required in table is based on -2.00% roadway cross slope. However, the minimum horizontal radius shall adhere to current American Association of State Highway and Transportation Officials (AASHTO) minimum radius standards for urban roadways where roadway cross slope deviates from -2.00% or where superelevation is allowed.
*minimum intersection sight distance:

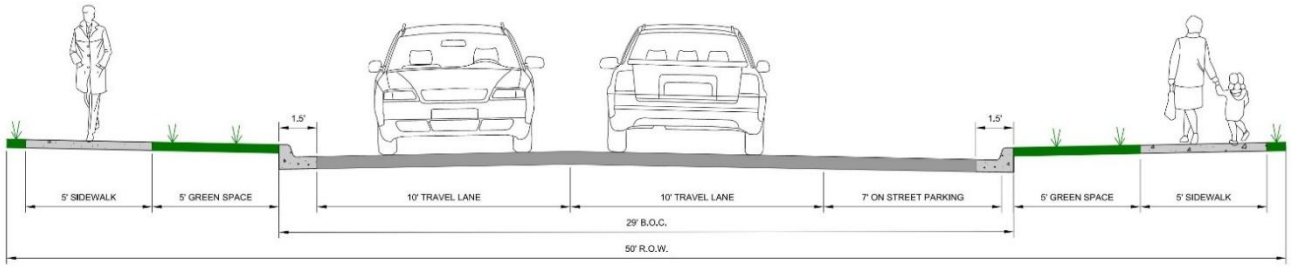
-Corner sight distance measured from a point on the minor road at 13 feet back from the edge of the travel lane (flowline) and measured from a height of eye at 3.50 feet on the minor road to a height of object at 3.5 feet on the major road.

-For local/local street intersection, the minimum sight distance allowed is the stopping sight distance.

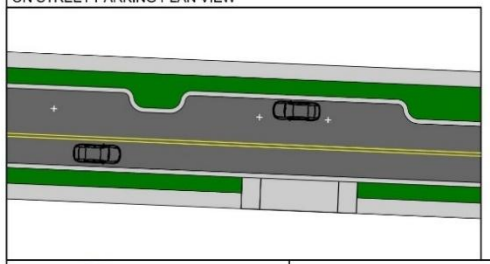


NOT A PUBLIC STREET

LOCAL ROADWAY



ON STREET PARKING PLAN VIEW



NOTES

1. AT A MINIMUM, CURB EXTENSIONS SHALL BE INSTALLED AT INTERSECTIONS AND AT MIDBLOCK, AT AN INTERVAL NOT TO EXCEED 450'.
2. MINIMUM CURB EXTENSION DIMENSIONS SHALL BE 20' IN LENGTH AND 6' IN WIDTH WITH AN 8' TAPER AT THE START AND END OF THE EXTENSION, SEE THE ON STREET PARKING PLAN VIEW FOR DETAILED DIMENSIONS.
3. TYPE A CURB PREFERRED, MODIFIED CURB MAY BE ALLOWED AT DISCRETION OF THE CITY

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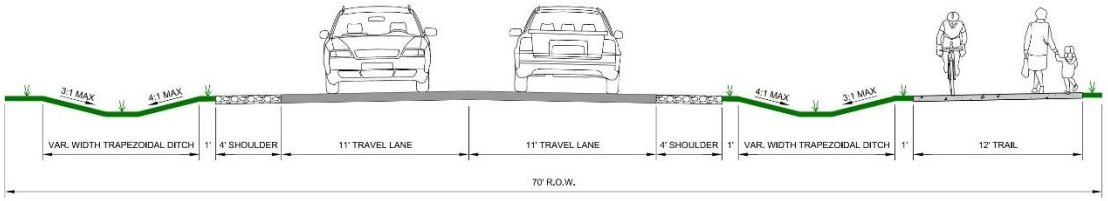
CITY OF GRAVETTE
GRAVETTE, ARKANSAS
ROADWAY TYPICAL SECTIONS

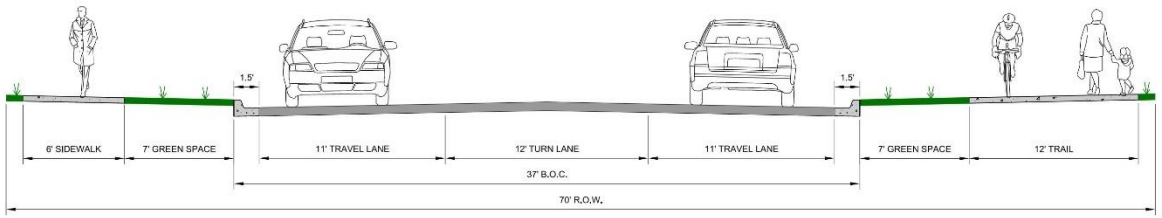
LOCAL ROADWAYS

GARVER

RURAL COLLECTOR ROADWAY



COLLECTOR ROADWAY



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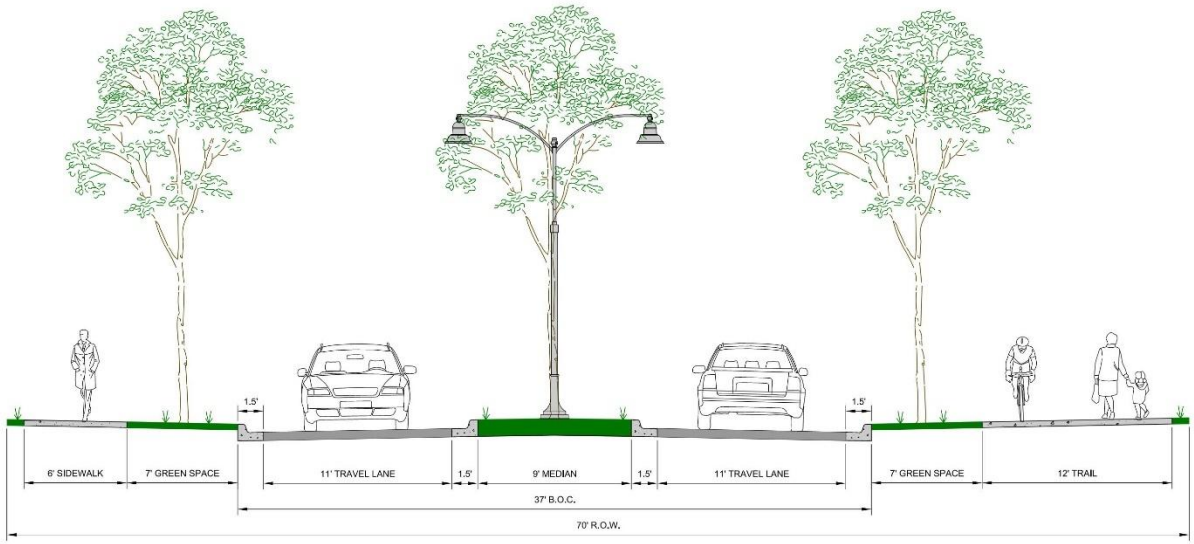
GRAVETTE, ARKANSAS
ROADWAY TYPICAL SECTIONS

COLLECTOR ROADWAYS

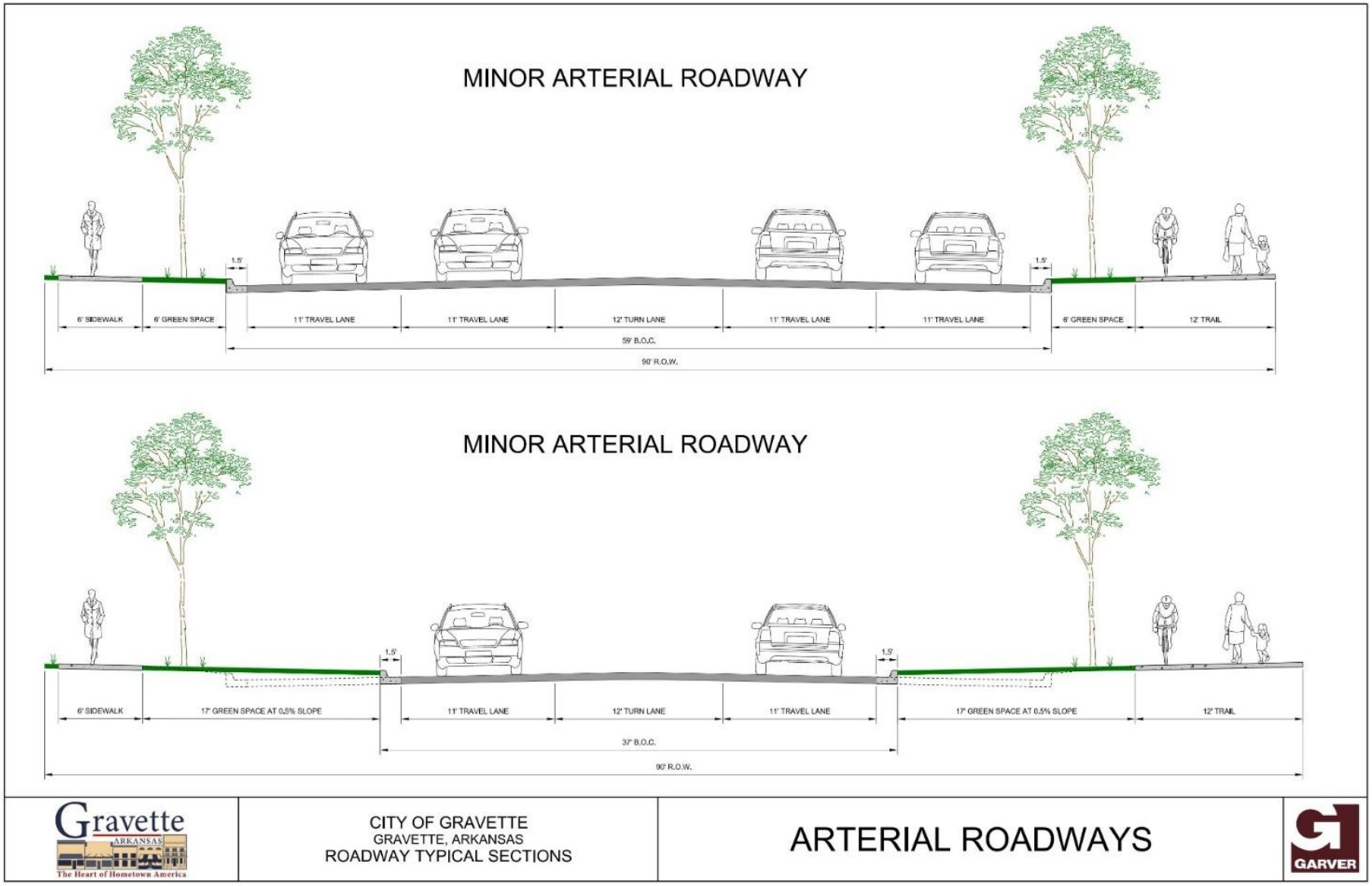
GARVER

COLLECTOR BOULEVARD



Gravette ARKANSAS The Heart of Hometown America	CITY OF GRAVETTE GRAVETTE, ARKANSAS ROADWAY TYPICAL SECTIONS	COLLECTOR ROADWAYS

GARVER


MINOR ARTERIAL ROADWAY
1.5'
6' SIDEWALK
6' GREEN SPACE
11' TRAVEL LANE
11' TRAVEL LANE
12' TURN LANE
11' TRAVEL LANE
11' TRAVEL LANE
1.5'
6' GREEN SPACE
12' TRAIL
59' B.O.C.
90' R.O.W.
MINOR ARTERIAL ROADWAY
1.5'
6' SIDEWALK
17' GREEN SPACE AT 0.5% SLOPE
11' TRAVEL LANE
12' TURN LANE
11' TRAVEL LANE
1.5'
17' GREEN SPACE AT 0.5% SLOPE
12' TRAIL
37' B.O.C.
90' R.O.W.
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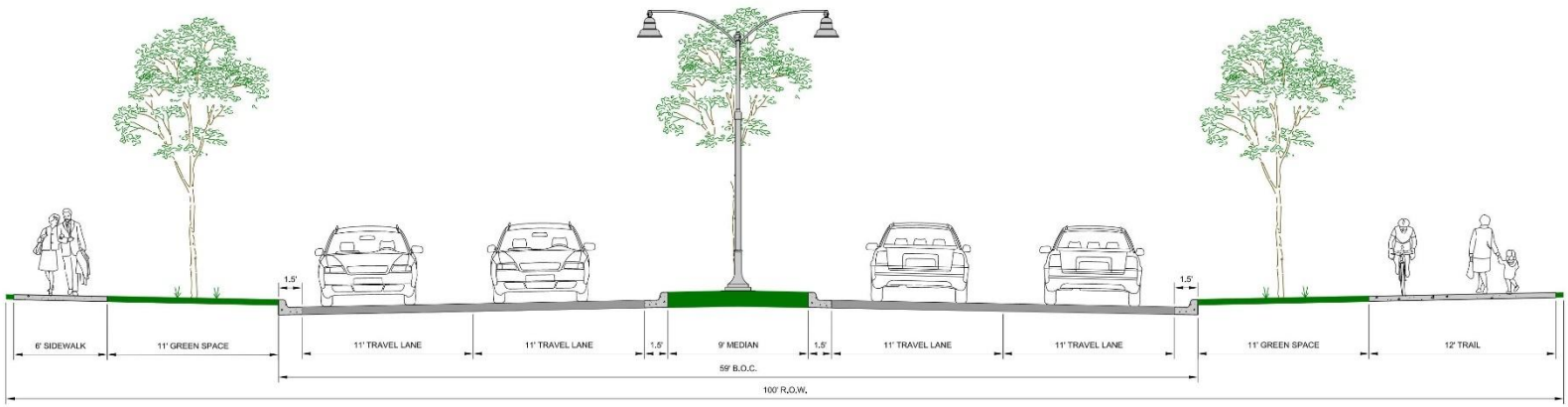
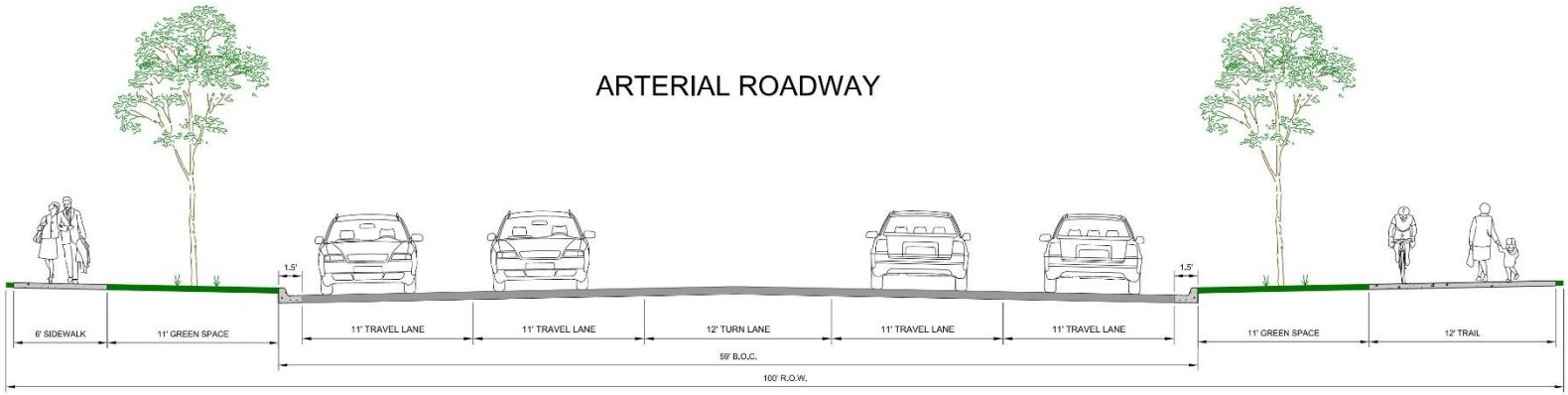
GRAVETTE, ARKANSAS
ROADWAY TYPICAL SECTIONS
ARTERIAL ROADWAYS
GARVER

ARTERIAL BOULEVARD



ARTERIAL ROADWAY



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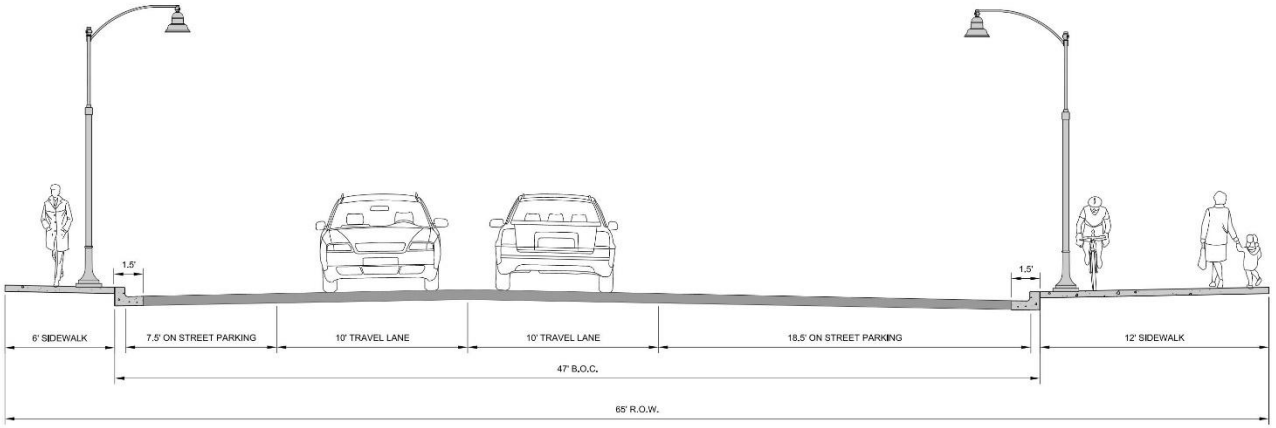
ROADWAY TYPICAL SECTIONS

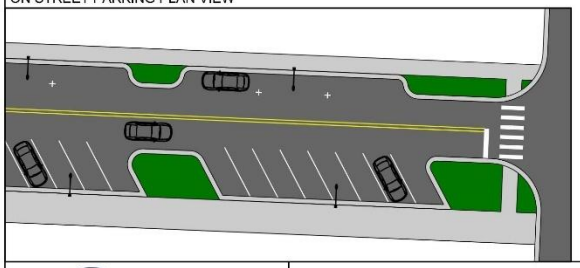
ARTERIAL ROADWAYS

GARVER

DOWNTOWN ROADWAY



ON STREET PARKING PLAN VIEW



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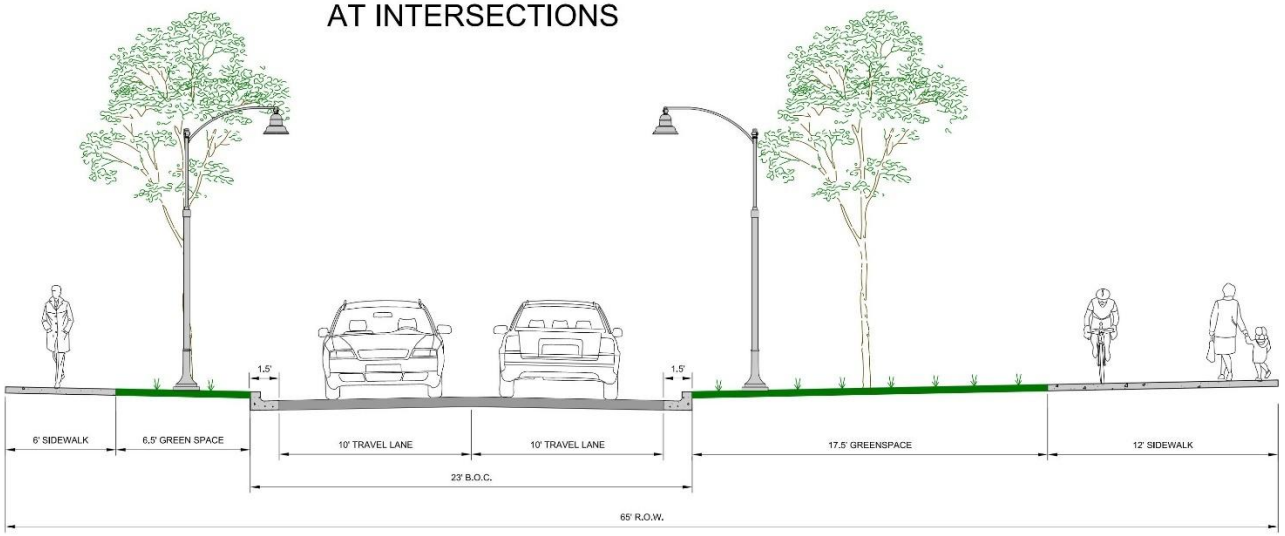
GRAVETTE, ARKANSAS
ROADWAY TYPICAL SECTIONS

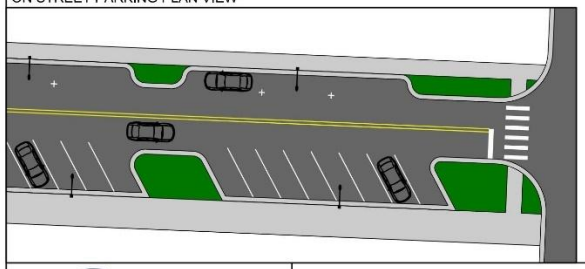
DOWNTOWN ROADWAYS

GARVER

DOWNTOWN ROADWAY AT INTERSECTIONS



ON STREET PARKING PLAN VIEW



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GRAVETTE, ARKANSAS
ROADWAY TYPICAL SECTIONS

DOWNTOWN ROADWAYS

GARVER

6.1.5. Trail Determination

1. On all street sections requiring trails on one side, and sidewalks on the other, the following shall be used to determine which portion of the street shall be required to construct the trail section:
   (1) When there is not an existing trail to connect to, it shall be required that the Trail section be constructed on the South and East sides of the streets.
   (2) When there are areas that have existing connectivity, the proposed trail shall be connected to the existing trail.
   (3) All trail connections are subject to review by the Administrative Official, who may refer the project to the full Planning Commission for a determination.

6.1.6. Standards for Lots

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

   (1) Every lot shall abut upon a public street or private access easement as detailed in Section 5.3.4.

   (2) 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.

      (A) Side lot lines shall be at right angles to street lines or radial to curving street lines unless a variation from this regulation will provide a better street or lot plan or allow better utilization for conservation of energy.

   (3) 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 the A-1 zoning district contained in the zoning portion of this code.

   (4) No residential lot, in general, shall be more than four (4) 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.

   (5) Flag-lots may be permitted in residential subdivisions provided that the stem or narrowest part of such a lot shall not be less than fifty (50) feet in width or have a length of more than two hundred (200) feet. In flag lots, the building line shall be computed from the front lot line not associated with the flag ‘stem’ or ‘pole’ portion. Flag lots are to be used on rare occasions where there are no other alternatives to access the land in question.

   (6) 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 A-1 in residential subdivisions and C-2 in commercial developments.

(7) 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. Unless approved, the lot sizes shall be not less than one acre. Primary and secondary absorption areas shall be shown on all Final Plats for such lots.

(8) Lots, other than corner lots, fronting on two (2) streets, shall not be platted except under exceptional circumstances, in which case, building setback lines shall be established on both frontages.

(9) 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.

2. Lot Corners.
   (1) 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.

6.1.7. Utility and Drainage Easements

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

   (1) 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.
   (2) Easements shall be of sufficient width to provide for installation, access and maintenance of the facility or service.
   (3) 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.
   (4) The specific location of easements not uniform in width and parallel to lot lines must be shown by dimensions.
   (5) 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) A minimum of 15 feet on both sides may be required for access and maintenance. The minimum width shall be 25 feet.
      (B) 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 Administrative Official.

   (6) No building may be erected over or in an easement. No encroachments of any type shall be permitted in open drainage channels.
(7) All vehicular access easements shall be clearly indicated on the plat and properly dimensioned according to the requirements of this regulation.

6.1.8. Fire Hydrants

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

6.1.9. Streetlights and Standards

1. Streetlights shall be installed at Developer's expense at maximum intervals of 250-ft. with the intent that the poles will be located on or near a property line. Each intersection shall have a light pole.

2. In subdivisions improved with underground wiring, the Developer shall install streetlights using standards approved by the electric company with streetlights for subdivisions (in contrast to wood poles normally provided by the power company). The Administrative Official shall approve the type of streetlights and location of streetlights as indicated on the preliminary plat.

3. Standard 8,000 lumen streetlights (or equal alternative approved by the Administrative Official) shall be installed at each intersection or cul-de-sac and along one side of each street or cul-de-sac at intervals of no more than 250 feet; provided, street lights of higher intensity may be required at intersections with collector streets or arterial streets.

4. Developers are encouraged to utilize high-efficiency (LED or similar) streetlights where possible.

5. All street lighting shall meet the Arkansas Shielded Outdoor Lighting Act. All utility and alternate luminaires shall meet dark sky compliance recommendations.

6. Luminaires shall have a B.U.G. rating associated for backlight, up light, and glare. The B.U.G. acronym describes the amount of light emitted from a street luminaire's housing.

7. All lighting shall be within the 3,000K to 4,000K range of color temperatures for uniformity.

8. All lighting shall be 75-80 CRI minimum on the color rendering index (CRI).

6.1.10. Storm Drainage

(a) Every subdivision or LSD plan shall make adequate provision to accommodate or dispose of storm water by means of drains, storm sewers, catch basins, culverts, and other facilities approved by the staff.

    (1) Discharges from the site must connect directly to the existing drainage system where possible, as opposed to discharging to the street. Provision must be made to protect streets and sidewalks from flooding. Discharges to the street should not exceed the street design criteria and discharges across a sidewalk must protect the sidewalk from inundation up to the 2-year flow.

(b) Storm drainage facilities shall in each case be designed to accommodate potential runoff from its entire upstream drainage area, whether inside or outside the subdivision. The necessary size of the facilities shall be based on provisions of

construction standards and specifications assuming conditions of maximum potential watershed development permitted by the Zoning Ordinance.

(c) Facilities for storm drainage shall be designed and constructed so as to minimize any increase in the rate of storm runoff onto adjoining property over that which existed prior to development.

(d) Facilities for storm drainage shall be of adequate capacity, and designed in accordance with not less than a one (1) in ten-(10) year rainfall. Provision shall be made for storm water emergency overflow in subdivisions having enclosed storm systems. This system is an above ground system consisting of swales or other drainage mechanisms with the capacity to carry excess water not carried by the underground system. This system shall have the capacity of a storm of a 100-year return frequency.

(e) Where a subdivision or LSD plan is traversed by a natural watercourse, drainage way or stream, there shall be provided a storm drainage easement of necessary width, conforming substantially to the lines of such watercourse or as otherwise approved by the Administrative Official.

(f) Box culverts and bridges which cross streets in the City right-of-way need not extend to the right-of-way on each side but shall be of sufficient length to accommodate vehicular and pedestrian traffic.

(g) For areas or lots which may be prone to local flooding, the minimum elevation of the lowest allowable finished floor elevation shall be indicated on the final plat. This elevation shall be, at a minimum, two (2) feet above the base flood elevation (BFE) for a one (1) in one-hundred (100) year rainfall intensity and must be approved by the Floodplain Administrator or other designated staff. Refer to the City Flood Damage Prevention Code for use / zone specific standards for structural improvements in the Special Flood Hazard Area (SFHA).

(h) No rainfall may be diverted from one (1) watershed to another within the plat boundaries without approval of the Planning Commission.

(i) A stormwater drainage system should be designed beginning with the point of discharge, with careful consideration given to downstream impacts and the effects of off-site flows. The location and methods of discharge from a development site must be carefully determined to avoid causing harm to properties located either downstream or adjacent to the site. The engineer should evaluate the conveyance system downstream of each point of discharge from a new development to ensure that it has sufficient capacity for design discharges without adverse backwater or downstream impacts such as flooding, stream bank erosion, and sediment deposition. In addition, great care must also be taken to determine the methods of receiving, conveying, and discharging stormwater runoff that originates from off-site.

6.1.11. Sidewalks

Sidewalks location and widths shall conform to ‘typical sections’ found in section 6.1.4 of these regulations, and, shall be installed within the dedicated improvement right-of-way, except where otherwise specified.

6.1.12. Addressing

The developer shall provide an addressing plan for the subdivision. Such plan shall be fully coordinated with local fire and police authorities and shall be approved by the appropriate 911 officials who have authority in the area of the subdivision. The addressing plan shall be reviewed by and commented on by applicable 911 administrative personnel, and, shall be approved by the Planning Commission before using the plan for addressing of buildings in the subdivision. Addresses assigned and approved at Preliminary Plat shall be the same on the Final Plat unless additional approval is granted by the Administrative Official to change the address.

6.1.13. 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.

6.1.14. 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.

6.1.15. 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.

6.1.16. Zoning or Other Regulations

No Final Plat of land within the force and effect of the Gravette 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 not grant waiver(s) to the subdivision regulations that would have the effect of violating any provision of the zoning regulations.

6.1.17. 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 concurrently with the request for subdivision approval.

SECTION 6.2. TECHNICAL DESIGN REQUIREMENTS

6.2.1. Standards for Streets

1. ARDOT Standard Specifications for Highway Construction
    (A) All materials and construction methods for public improvements installed within the right-of-way and easements shall meet the requirements of the latest edition of the ARDOT Standard Specifications, except as modified. Deviation from this requirement may only occur with written approval from the City.

6.2.2. Roadway minimum pavement sections shall be provided as noted in Table 6.2.2.01 and Table 6.2.2.02

Table 6.2.2.01: Pavement Sections for Asphalt Roadways

Street Classification	Local w/On Street Parking	Downtown	Rural Collector	Collector Roadway w/Trail	Collector Boulevard w/Trail	Minor Arterial w/Trail	Arterial Boulevard
Minimum Thickness Asphalt Surface Course (in.)	3 in.	2 in.	2 in.	2 in.	2 in.	Pvmt. Design Required	Pvmt. Design Required
Minimum Thickness Asphalt Binder Course (in.)	n/a	3 in.	3 in.	3 in.	3 in.	Pvmt. Design Required	Pvmt. Design Required
Minimum Thickness Aggregate Base Course (in.)	8 in.	6 in.	6 in.	6 in.	6 in.	Pvmt. Design Required	Pvmt. Design Required

(2) **Table 6.2.2.02: Pavement Sections for Concrete Roadways**

Street Classification	Local w/On Street Parking	Downtown	Collector w/Open Ditches	Collector Roadway w/Trail	Collector Boulevard w/Trail	Minor Arterial w/Trail	Arterial Boulevard
Minimum Thickness Concrete Pavement (in.)	6 in.	Pvmt. Design Required	Pvmt. Design Required	Pvmt. Design Required	Pvmt. Design Required	Pvmt. Design Required	Pvmt. Design Required
Minimum Thickness Aggregate Base Course (in.)	6 in.	6 in.	6 in.	6 in.	6 in.	Pvmt. Design Required	Pvmt. Design Required

6.2.3. Street Subgrade

(1) ARDOT Specifications- Construction Requirements for subgrade shall meet the requirements of Section 212 of the ARDOT Standard Specifications, current edition, except as modified herein.

(2) General - To simplify subgrade support testing, soil samples may be combined to form soil groups consistent with the AASHTO classification, group index, and location for the area investigated. Groupings shall not mix samples with different AASHTO classifications. Appropriate tests, to include gradation, Atterberg limits, maximum compaction testing, and California Bearing Ratio tests, shall be accomplished in order to determine the suitability of soils for use as subgrade material within the roadway. “Subgrade” shall be defined as material within 2-ft. of the first paving layer (base or asphalt). Roadway limits shall extend to 1-ft. behind the back of curb, or edge of pavement when no curb is present.

(3) Classification Testing - Soils shall be classified visually and tested to determine the properties. Soils shall be classified according to the AASHTO Classification system.

(4) Moisture and Density Testing - Maximum density and optimum moisture of soils proposed for use as subgrade material shall be determined by AASHTO T-99

(Standard Proctor Test). All lifts in embankment areas shall be compacted to not less than 95% of the maximum density. The moisture content of the material should be within 2% of optimum moisture content before compaction. In-place field moisture-density measurements shall be determined using AASHTO T-191, T-233 or T-310. The testing frequency shall be in accordance with Table 16.13.6.1, Materials Testing Summary. Density requirements do not apply to portions of embankments constructed of materials such as rock that cannot be tested by approved testing methods.

(5) California Bearing Ratio (CBR) Testing- CBR testing in accordance with American Society for Testing and Materials (ASTM) D 1883-Current Edition shall be completed on all soils proposed for use as subgrade material. CBR testing shall be performed at the dry density corresponding to 95% of the maximum dry density of the material being tested, and at 2% above optimum moisture content. The 3-point method of CBR testing shall be performed on in-situ soils classified as A-1or A-2, and on all soils proposed for use as borrow material for subgrade.

(6) Subsurface Water Investigation- If groundwater is encountered or predicted to be encountered within 5-ft. of the original or proposed ground surface, a subsurface water investigation report shall be submitted for approval by City staff. This report is required to ensure mitigation of high groundwater effects upon public improvements within the right-of-way. This information may be a separate report or may be included in the geotechnical report.

(7) Subgrade Requirements- The top 24 inches of subgrade must be of material meeting the following specifications unless a formal design is approved:
   (a) Material classified by the AASHTO Soil Classification System as A-1, A-2, or A-3, having a maximum of 35 percent of the material passing the number 200 sieve, and having a CBR equal to or greater than 8.
   (b) Material not meeting the above requirements for AASHTO Classification and gradation but having a CBR equal to or greater than 8 and a Liquid Limit and Plasticity Index of less than or equal to 40 and 15, respectively.
   (c) Material not meeting the above requirements for Liquid Limit and Plasticity Index may be used if chemically modified by the use of lime, fly ash, or cement. The type and amount of treatment shall be determined by a material testing lab and approved by the City. The chemically modified soil must meet all requirements of Section (a) above.
   (d) Material not meeting the CBR requirements of Section (a) above but meeting the requirements for Liquid and Plasticity limits may be used provided a formal pavement design based on the actual CBR value of the soil is provided. For this case, CBR values shall be a minimum of 4. Use of lower CBR values may be allowed where specialized pavement designs using geogrids or other technologies are proposed.

(8) Existing Material- Unsuitable material shall be excavated to a depth as directed by the City or the geotechnical Engineer, disposed of, and replaced with fill material meeting subgrade requirements. If the existing material is acceptable for use as subgrade material, or modified to be suitable, the subgrade will be scarified to a depth of 8 inches and recompacted to conform to the requirements.

(9) Finished Subgrade- The subgrade shall be shaped for its full width to the required grade and cross section. The finished subgrade shall not vary at any point by more than 1/2” from the design elevation.

6.2.4. Embankment Outside of Roadway

(1) Material for curb backfill, under sidewalks, on backslopes, or in other areas within the right-of-way may be any material that is free from sod, stumps, roots, or other perishable or deleterious material that it be capable of forming a stable embankment when compacted. Areas outside the roadway shall be compacted to minimum of 90% Standard Proctor density unless otherwise specified.

6.2.5. Aggregate Base Material

1. ARDOT Specifications- Materials and Construction Requirements for aggregate base courses shall meet the requirements of Section 303 of the ARDOT Standard Specifications, current edition, except as modified herein.
2. Moisture and Density Requirements -All lifts in embankment areas shall be compacted at substantially optimum moisture content to not less than 98% of the maximum density. Maximum density will be determined using AASHTO T-180 (Modified Proctor). In-place field density and moisture measurements shall be determined using AASHTO T-310. The testing frequency shall be in accordance with Table 16.13.6.1, Materials Testing Summary.
3. Thickness- The compacted base course shall be tested for thickness in the immediate vicinity of the density testing. The finished base course shall not vary at any point by more than ¼" from the design thickness.
4. Finished Grade-The base course shall be shaped for its full width to the required grade and cross section. The finished base course shall not vary at any point by more than 1/2" from the design elevation.

6.2.6. Asphalt Concrete Hot Mix (ACHM)

B. Asphalt Concrete Hot Mix (ACHM)

1. Materials and Construction Requirements for Asphalt Concrete Hot Mix Base, Binder, and Surface courses shall meet the requirements of the current edition of ARDOT Standard Specifications sections 404, 405, 406, 407, and 410 except as modified herein:
    A. All references within ARDOT Standard Specifications to the "Department", "Resident Engineer", and "Engineer" shall be removed and replaced with the "City".
    B. All references within ARDOT Standard Specifications to the "Contractor" shall be removed and replaced with the "Developer."
    C. All "Method of Measurement" and "Basis of Payment" sections within referenced ARDOT Standard Specifications shall be removed from this Code.
    D. Design and Quality Control of Asphalt Mixtures shall be in accordance with ARDOT Section 404, except as modified herein.
    E. Construction Requirements and Acceptance of Asphalt Concrete Mix Courses shall be in accordance with ARDOT Section 410, except as modified herein.
        1. The second paragraph of Section 410.09(a) shall be removed and replaced with the following: "Acceptance and adjustment in payment will be by lot. The standard lot size for acceptance and adjustment in payment will be 1200 square yards, with each

standard lot divided into four sublots of 300 square yards each. The City or it's representative may establish a partial lot at any time. The City will determine the size of any partial lots established and the number and size(s) of the sublots, if any. Although there are no specified limits for the size of such partial lots, they normally will be not less than 750 square yards nor more than 1500 square yards. Field density tests shall be performed on the compacted mat on the roadway as soon as possible, preferably not later than the day after placement."

2. Remove the first three sentences of the fourth paragraph of Section 410.09(a) from this Code.
3. The third paragraph of Section 410.09(b)(1) shall be removed and replaced with the following: "When the average of the test results for a lot fall within the range shown in Table 410-1 as "Compliance Limits", the lot will be accepted. If the average of the test results for a lot for any single property listed in the table falls within the limits shown as "Extended Warranty Limits", the material may be left in place at an extended warranty as specified in Subsection 410.09(d). If the average of the test results for a lot for any single property listed in the table falls outside the limits shown as "Lot Rejection Limits", the entire lot shall be removed and replaced at no cost to the City. Sampling and testing of the replacement material will be according to Subsection 410.09(a)."
4. The "Price Reduction Limits" column title in Table 410-1 shall be removed and replaced with "Extended Warranty Limits".
5. The first paragraph of Section 410.09(b)(4) shall be removed and replaced with the following: "Pavement that is determined to be non-complying for any reason other than the properties listed in Table 410-1 will be evaluated under Subsection 105.04. The City will determine whether the non-complying pavement must be corrected, removed and replaced, or may be left in place with an extended warranty to the City. When two consecutive lots or any three out of five lots fail to qualify for full acceptance for any reason, work will be stopped until corrective action is taken."
6. Section 410.09(c) shall be removed and replaced with the following: "**Unacceptable Pavement**. Any lot or sublot of any ACHM course that is not accepted for any reason shall be removed and replaced by the Developer at no cost to the City."
7. Section 410.09(d) shall be removed and replaced with the following: "The Developer shall provide a five-year warranty to the City for all lots whose properties fall in the Extended Warranty Limits column of Table 410-1. The warranty procedure shall follow the process outlined in Section 6.13.7 of this code."
8. Section 410.10 shall be removed from this Code.

F. Asphalt Concrete Hot Mix Base Courses shall be in accordance with ARDOT Section 405, except as modified herein.

G. Asphalt Concrete Hot Mix Binder Courses shall be in accordance with ARDOT Section 406, except as modified herein.

H. Asphalt Concrete Hot Mix Surface Courses shall be in accordance with ARDOT Section 407, except as modified herein.
   1. 3/8" (9.5 mm) surface course shall be used on all residential and local streets.
   2. ½" (12.5 mm) surface course shall be used on arterial streets.
   3. Either type may be used on collector streets.

I. Surface Course lift thicknesses shall be a minimum of 2" and a maximum of 4". Base and Binder Courses shall be minimum of 3 times the maximum nominal aggregate size. Base and Binder Course maximum lift thicknesses will be limited by capability of compaction equipment to achieve minimum compaction requirements but will not be allowed to exceed 6 times the maximum nominal aggregate size.

J. Thickness measurements for all mixes shall be taken of each core sample. The thickness measurement shall be averaged for each lot of pavement. Should any deviation be found, additional cores may be taken to define the horizontal limits of the deviation. When measurement of the core is not deficient by more than 1/4 inch from the design thickness, the pavement thickness will be considered to be within acceptable tolerance. When such measurement is deficient more than 1/4 inch from the design thickness, two additional cores at intervals not less than 50-ft. will be taken and used to determine the average thickness for that area. When the average thickness of cores is deficient by more than 1/4 inch the City may require that the area be removed and replaced. Maximum thickness used for averaging purposes shall be the specified thickness plus 1/2 inch.

   No Marshall mixes are allowed on city streets/public roads unless specifically authorized in writing by City staff.

Asphalt grade and number of gyrations (Nmax) shall be per **Table 6.2.6.01.**

Table 6.2.6.01: Asphalt Requirements

	Surface Course		Binder Course	
Street Classification	**Min. Asphalt Grade**	**Number of Gyrations (Nmax)**	**Min. Asphalt Grade**	**Number of Gyrations (Nmax)**
Local	64-22	115	64-22	115
Collector	70-22	160	64-22	115
Arterial	76-22	205	70-22	160

6.2.7. Concrete Pavement -

A. All references within ARDOT Standard Specifications to the "Department", "Resident Engineer", and "Engineer" shall be removed and replaced with the "City".
B. All references within ARDOT Standard Specifications to the "Contractor" shall be removed and replaced with the "Developer."
C. All "Method of Measurement" and "Basis of Payment" sections within referenced ARDOT Standard Specifications shall be removed from this Code.
D. Portland Cement Concrete Pavement shall meet the requirements of the latest edition of the ARDOT Standard Specifications Section 501, except as modified herein. Concrete for paving shall have a minimum 28-day compressive strength of 4,000 psi and shall have air entrainment of 4 to 8 percent.
    1. Remove the last paragraph of Section 501.04(a) from this Code.
    2. The first paragraph of Section 501.04(b) shall be removed and replaced with the following: "Acceptance will be by lot. The standard lot size for acceptance will be 1200 square yards with each standard lot divided into four sublots of 300 square yards each. The City may establish a partial lot at any time. The City will determine the size of any partial lots established and the number and size(s) of the sublots, if any. Although there are no specified limits for the size of such partial lots, they normally will be not less than 750 square yards nor more 1500 square yards."
    3. The fifth and sixth paragraphs of Section 501.04(b) shall be removed from this Code.
    4. The fourth paragraph of Section 501.04(c) shall be removed and replaced with the following: "When the average of the test results for a lot fall within the range shown in Table 501-1 as "Compliance Limits", the lot will be accepted with no price reduction for those properties. If the average of the test results for a lot for any single property listed in the table falls within the limits shown as "Extended Warranty Limits ", the material may be left in place with an extended warranty of five years. The warranty procedure shall follow the process outlined in Section 6.2.16 of this code. If the average of the test results for a lot for any single property listed in the table falls outside the limits shown as "Lot Rejection Limits", the entire lot shall be removed and replaced at no cost to the City. Sampling and testing of the replacement material will be according to Subsection 501.04(b)."
    5. Remove the second, third, and fourth sentences of the fifth paragraph of Section 501.04(c) from this Code.
    6. Remove the third and fourth sentences of the sixth paragraph of Section 501.04(c) from this Code.
    7. Remove the second and third sentences of the seventh paragraph of Section 501.04(c) from this Code.

8. The eighth and ninth paragraphs of Section 501.04(c) shall be removed and replaced with the following: “At the Developer’s option additional testing for confirming extended warranty or pavement rejection due to compressive strength results may be performed by the Developer at locations determined by the City. In such cases, three cores shall be taken in each sublot containing compressive strength results not in Compliance Limits. The compressive strength shall be determined by the average result of the cores. Cores shall be sampled according to AASHTO T 24. The average of the three cores must meet or exceed applicable extended warranty limits or pavement rejection limits. Acceptance and extended warranties will then be determined based on these results. This testing will be performed at no cost to the City. The holes made in taking the samples shall be repaired by the Developer at no cost to the City.”
9. The “Price Reduction Limits” column title in Table 501-1 shall be removed and replaced with “Extended Warranty Limits”. The “Price Reduction” columns shall be removed from this Code.
10. Remove Section 501.12 from this Code.

6.2.8. Sidewalks

(1) ARDOT Specifications- Materials and construction requirements for sidewalks shall meet the requirements of the latest edition of the ARDOT Standard Specifications Section 633, except as modified herein.

(2) All references within ARDOT Standard Specifications to the “Department”, “Resident Engineer”, and “Engineer” shall be removed and replaced with the “City”.
(3) All references within ARDOT Standard Specifications to the “Contractor” shall be removed and replaced with the “Developer.”
(4) All “Method of Measurement” and “Basis of Payment” sections within referenced ARDOT Standard Specifications shall be removed from this Code.
(5) Width. Minimum sidewalk widths for the various street classifications shall be as specified in **Table 6.1.4.01**. The City may require additional width for activity areas and routes leading to and from these areas. The final sidewalk width shall be determined through additional study of higher pedestrian traffic areas. When a sidewalk is located adjacent to the back of curb where on street parking is allowed, the sidewalk shall be widened by 1.5-ft. to accommodate the car doors opening onto the sidewalk area.
(6) Shy Distance. A shy distance of 2-ft.is required where vertical barriers (walls, fences, signs, etc.) greater than 3.5-ft. in height are adjacent to the sidewalk and extend more than 4-ft. in length parallel to the sidewalk. A shy distance of 1.5-ft. is required from the back of curb. A shy distance of 1-ft. is required for all other fixed obstacles. Shy distances shall be added to the minimum widths of sidewalks specified in **Table 6.1.4.01** or required by the City to determine the final sidewalk width.

(7) Minimum Distance to Slope. There shall be a minimum of 1-ft. between the sidewalk and the beginning of a slope.
(8) Wire Mesh

(a) All sidewalks shall be constructed with either a) fiber-mesh-reinforced concrete or b) a wire-mesh underlayment to provide additional structural stability and reinforcement.

(9) Concrete Requirements. All sidewalks, access ramps and driveway approaches shall be constructed of a Portland Cement concrete mixture that includes at least 5.5 bags of cement per cubic yard and contains 4 to 7 percent air entrainment and that will produce a concrete of a compressive strength of 3,500 psi after 28 days set under standard laboratory methods.
(10) Concrete Thickness. All sidewalks not within driveways shall be a minimum of 4 inches thick concrete. All sidewalks within a driveway shall be a minimum of 6 inches thick.
(11) Aggregate Base Course. A minimum 4" compacted aggregate base course (Class 7) shall be constructed below concrete sidewalk. Material shall adhere to ARDOT Standard Specifications Section 303.
(12) Subgrade. The subgrade shall be excavated or filled to the required grade. Soft and yielding material shall be removed and replaced with suitable material and the entire subgrade shall be thoroughly compacted with approved mechanical equipment.
(13) Sidewalk Crossings of Driveways and Alleys. Sidewalks shall be continuous through driveways and alleys. Sidewalks shall have an expansion joint at the edge of sidewalk opposite the street. The sidewalk edge adjacent to the street shall have at least 1-inch deep grooved joint mark (cannot be a saw cut) to clearly define the sidewalk through the driveway or alley.
(14) Sidewalk Elevation. The back of sidewalk elevation shall be such that the slope from the back of sidewalk to the top of curb is 2% unless otherwise approved by the City.
(15) Slope
(a) Cross Slope. Sidewalk cross slopes shall be a minimum of 1% and a maximum of 2%. The cross slope shall be towards the street unless otherwise approved.
(b) Longitudinal Slope. Longitudinal slope of sidewalks shall be consistent with the adjacent street slopes.
(c) ADA Requirements for Steeper Slopes. Sidewalks with greater than 5% longitudinal slope or those not adjacent to a street, shall be constructed to meet ADA requirements by use of ramps and landings, construction of switchbacks, or other acceptable means.
(16) Joints
(b) Material. Expansion joint material shall be asphalt impregnated fiberboard meeting the requirements of AASHTO M213, or other joint material meeting the requirements of the latest edition of the ARDOT standard specifications.
(c) Location. Full depth expansion joints shall be provided where sidewalks abut drainage structures, retaining walls, building faces, and all other

fixed objects. Expansion joint material shall be provided at each cold joint. One-quarter depth (1 inch) weakened plane joints, or saw-cut joints shall be placed in sidewalks at regular intervals not greater than the width of the sidewalk.

(d) Saw Joints. Saw joints shall be filled with self-leveling sealant such as Sonneborn SL1 or equivalent meeting the requirements of ASTM C 920, Type S.

(e) Joint Sealant. All expansion joints and saw joints shall be sealed with joint sealant meeting the requirements of ASTM C 920, Type S. A self-leveling sealant shall be used for horizontal surfaces. A non-sag sealant shall be used for vertical or nearly vertical surfaces.

6.2.9. Sidewalk Ramps

(1) Access ramps shall be installed at all sides of all intersections and at certain midblock locations for all new construction or reconstruction of curb and sidewalk. Access ramps shall meet ADA requirements to the maximum extent feasible.

(2) ARDOT Specifications and details- Materials and construction methods for sidewalk ramps shall meet the requirements of the latest edition of the ARDOT Standard Specifications Section 641, except as modified herein. Sidewalk ramps shall adhere to applicable details shown on ARDOT Standard Drawings WR-1 and WR-2.

(3) All references within ARDOT Standard Specifications to the “Department”, “Resident Engineer”, and “Engineer” shall be removed and replaced with the “City”.

(4) All references within ARDOT Standard Specifications to the “Contractor” shall be removed and replaced with the “Developer.”

(5) All “Method of Measurement” and “Basis of Payment” sections within referenced ARDOT Standard Specifications shall be removed from this Code.

(6) Locations- Two access ramps shall be included at all intersection corners. On T-intersections, corresponding access ramp are required opposite the intersecting street. Access ramps shall not be placed in designated parking areas nor in or across from driveways. Ramps shall be located to avoid conflicts with the storm drain inlet depressions.

(7) Width- The minimum width of an access ramp shall be 48 inches excluding the flared sides.

(8) Slope- The slope of the ramp shall not be greater than 8.33% (1:12) for all new developments. In existing developed rights-of-way, it may be necessary to install a steeper ramp to provide access to street crossings. In an alteration, slopes as steep as 1:10 (10%) are permitted for the distance of a 6-inch rise if it is not technically feasible to provide a ramp at 1:12 (8.33%). For a 3-inch rise, the maximum slope may be as steep as 1:8 (12.5%) where necessary.

(9) Flared Sides-The slope of the flared sides shall not be greater than 10% (1:10).

(10) Finish- Access ramps shall have a broom finish.

(11) Curing Compound- All access ramps require the application of a concrete curing compound or the concrete is to be kept moist for seven (7) days.

(12) Detectable Warnings- Detectable warning devices (truncated domes) meeting ADA requirements shall be installed on all access ramps.

6.2.10. Curb and Gutter

(1) ARDOT Specifications- Materials and construction methods for curb and gutters shall meet the requirements of the latest edition of the ARDOT Standard Specifications Section 634, except as modified herein.

(2) All references within ARDOT Standard Specifications to the “Department”, “Resident Engineer”, and “Engineer” shall be removed and replaced with the “City”.
(3) All references within ARDOT Standard Specifications to the “Contractor” shall be removed and replaced with the “Developer.”
(4) All “Method of Measurement” and “Basis of Payment” sections within referenced ARDOT Standard Specifications shall be removed from this Code.
(5) Details-Curb and gutter shall adhere to applicable details shown on ARDOT Standard Drawings CG-1.

6.2.11. Driveways

(1) ARDOT Specifications- Materials and construction methods for concrete drives and aprons shall meet the requirements of the latest edition of the ARDOT Standard Specifications Section 505, except as modified herein. All driveways shall be constructed on a compacted subgrade.

(2) All references within ARDOT Standard Specifications to the “Department”, “Resident Engineer”, and “Engineer” shall be removed and replaced with the “City”.
(3) All references within ARDOT Standard Specifications to the “Contractor” shall be removed and replaced with the “Developer.”
(4) All “Method of Measurement” and “Basis of Payment” sections within referenced ARDOT Standard Specifications shall be removed from this Code.
(5) Concrete Apron- All residential driveways connecting to a paved public street shall have a concrete apron between a modified curb and gutter or edge of pavement.
    (a) For driveways less than one hundred (100) feet in length, the entire length of the driveway shall be concrete.
    (b) For driveways that exceed one hundred (100) feet in length, the first twenty (20) feet shall be concrete, as measured perpendicular from the back or curb or edge of pavement.
    (c) The concrete apron shall be a minimum of 6” thick concrete over 4" of compacted aggregate base course on compacted subgrade
(6) Concrete Driveway- Concrete driveways shall be a minimum of 6” thick concrete over 4" of compacted aggregate base course on compacted subgrade.
(7) Asphalt Driveway- Asphalt driveways shall be a minimum 3" ACHM surface course constructed on 6" of compacted aggregate base course on compacted subgrade.
(8) Sidewalks through driveways- Sidewalks shall have a continuous longitudinal grade through driveways.

(9) Maximum Driveway Grade- Maximum driveway grade beyond outside edge of sidewalk shall be 8% unless otherwise approved by the City. Driveway grade across sidewalk shall not exceed 2%.

(10) Driveway throat width, length, and radii- Driveways shall comply with the following table:

	Driveway Throat Width (feet)	Driveway Throat Length (feet)	Driveway Radius
Large Commercial with signalization (>200,000 gross lease area or 800 required parking spaces)	Maximum width (two direction traffic) 40' Minimum width (two direction traffic) 24' Maximum width (one direction traffic) 16' Minimum width (one direction traffic) 12'	200'	15' minimum 50' maximum *driveway radius shall be determined for the design vehicle and approved by the City Engineer
Commercial with signalization (<200,000 gross lease area)	Maximum width (two direction traffic) 40' Minimum width (two direction traffic) 24' Maximum width (one direction traffic) 16' Minimum width (one direction traffic) 12'	75'-95'	15' minimum 50' maximum *driveway radius shall be determined for the design vehicle and approved by the City Engineer
Commercial, no signalization	Maximum width (two direction traffic) 40' Minimum width (two direction traffic) 24' Maximum width (one direction traffic) 16' Minimum width (one direction traffic) 12'	40'-60'	15' minimum 50' maximum *driveway radius shall be determined for the design vehicle and approved by the City Engineer

6.2.12. Inlets and Junction Boxes

(1) ARDOT Specifications- Materials and construction methods for inlets and junction boxes shall meet the requirements of the latest edition of the ARDOT Standard Specifications Section 609.

(2) All references within ARDOT Standard Specifications to the "Department", "Resident Engineer", and "Engineer" shall be removed and replaced with the "City".

(3) All references within ARDOT Standard Specifications to the “Contractor” shall be removed and replaced with the “Developer.”
(4) All “Method of Measurement” and “Basis of Payment” sections within referenced ARDOT Standard Specifications shall be removed from this Code.

6.2.13. Traffic Signs and Striping

1. Traffic control devices shall be installed or applied at the Developer’s expense at appropriate locations per the Manual of Uniform Traffic Control Devices (MUTCD), current edition, or as directed by the City.
2. Pavement marking striping on public roads shall be thermoplastic material and shall meet the requirements of the latest edition of the ARDOT Standard Specifications Section 719, except as modified herein.
3. Traffic signs and post shall meet the requirements of the latest edition of the ARDOT Standard Specifications Section 726, except as modified herein.
4. All references within ARDOT Standard Specifications to the “Department”, “Resident Engineer”, and “Engineer” shall be removed and replaced with the “City”.
5. All references within ARDOT Standard Specifications to the “Contractor” shall be removed and replaced with the “Developer.”
6. All “Method of Measurement” and “Basis of Payment” sections within referenced ARDOT Standard Specifications shall be removed from this Code.

6.2.14. Street Inspection and Testing Procedures

A. City Observation - City Staff may observe key steps of the construction process for general compliance with these standards and the approved plans and specifications. Inspections will include but not be limited to grading, erosion control, storm sewer installation, structures, non-structural concrete, subgrade, base course, pavement and traffic control devices.
B. Inspection – The Engineer of Record shall provide observation services for all work on the approved construction plans. The observer shall keep a daily log of all construction activities and testing for the project. The observer will be responsible for coordinating the required testing to make sure that the contractor, testing lab and City representatives are present. All observation personnel shall be qualified to read and interpret the plans and specifications and to observe the construction and testing procedures to ensure compliance. The costs of all observation and oversight of the construction process shall be paid for by the Developer.
C. Testing- During the construction process, testing from an independent laboratory is required on all infrastructure installation including soils, concrete, asphalt, and other applicable tests. The minimum requirements for materials sampling, testing, and inspection shall be as provided herein. All tests shall be made and certified by an approved independent testing laboratory. All costs required and pertaining to testing, the work performed, and materials supplied to verify compliance with these standards shall be the responsibility of the Developer. The use of the testing laboratory’s services does not relieve the Developer of the responsibility to furnish the required materials and to perform the required construction in full compliance with these standards. Passing test results do not constitute acceptance of the work or materials represented by the test. The Developer is responsible for quality control of their work. In various sections of

these standards, specific testing or other data is required by the City to ensure that the intent of these standards is fulfilled. The costs of such tests or other specific data where required by these standards or on the approved plans shall be borne by the Developer. When evidence indicates that the work performed may not comply with these standards or the approved plan, the City may require additional tests or data beyond that required in these standards or on the approved plans. The costs of such tests shall be borne by the Developer. Should such tests or additional data show a failure to meet these standards or the approved plans, the Developer shall be responsible for all costs associated with repair or replacement of said failure.

D. Field Sampling and Testing Procedures – All field sampling and testing procedures shall adhere to the GUIDE SCHEDULE OF ACCEPTANCE SAMPLING AND TESTING OF CONSTRUCTION MATERIALS FOR STANDARD SPECIFICATIONS FOR HIGHWAY CONSTRUCTION, CURRENT EDITION, of the ARDOT Manual of Field Sampling and Testing Procedures, current edition, except as modified herein. The frequency of the testing shall be modified from ARDOT Manual of Field Sampling and Testing Procedures as provided in **Table 6.2.15.01**
E. Mix Designs- Pavement mix designs meeting the requirements of these standards shall be furnished to the City a minimum of 10 working days prior to intended use of the mix. The mix design shall be reviewed and accepted by the City prior to use. If a mix design not accepted by the City is used, the City may require removal of all improvements placed with the unaccepted material.
F. Test Reports - Test reports submitted to the City shall include all tests performed on the project. All test reports shall show the location where the test was performed, or at which work or batch is represented by the test. Test reports shall include all information specified in the AASHTO, ASTM, or local test procedure used. Prior to acceptance of each phase of a project, all final reports shall be submitted to the City indicating compliance with these specifications.

Table 6.2.14.01: Materials Testing Summary

CONSTRUCTION QUALITY CONTROL					
Construction Stage	Test Required	Test Reference[a]			Frequency of Sampling and Testing
		AASHTO	ASTM	ARDOT	
Subgrade					
	Sampling	T 87	D 421	---	One/Type of Soil
	Soil Classification	M 145	---	---	
	Sieve Analysis	T 88	D 422	---	
	Moisture-Density Relationship – Standard Proctor or	T 99	D 698	---	
	Moisture-Density Relationship – Modified Proctor	T 180	D 1557	---	
	Moisture & Density (In-Place)	T 310	D 6938	---	One/750 SY/8" Lift (Subgrade)[b]
				---	One/750 SY/8" Lift (fill)
				---	One/300 LF/12" Lift (Trench Backfill)[c]
				---	One/Crossing/12" Lift (Trench Backfill)[c]
				---	One/750 SY/12" lift (Structure Backfill)[c]
Base Course					
	Aggregate Base Course				
	Sampling	T 2	D 75	---	One/Type of Aggregate
	Percentage of Wear	T 96	C 131	---	
	Soundness	T 104	C 88	---	
	Sieve Analysis	T 27	C 136	---	
	Moisture-Density Relationship	T 180	D 1557	---	
	Moisture & Density (In-Place)	T 310	D 6938	---	One/750 SY/8" Lift[b]
	Thickness	---	---	---	
	ACHM Base Course (Refer to ACHM Surfacing)				
Curb & Gutter					
	Portland Cement Concrete				
	Sampling	T 141	C 172	---	One/1000 LF of Curb & Gutter
	Slump	T 119	C 143	---	
	Temperature	---	---	---	
	Air Content	T 152	C 231	---	
	Cylinders	T 22/T 23	C 39/C 31	---	One Set (4)/1000 LF of Curb & Gutter
Asphalt Concrete Hot Mix (ACHM)					
	Aggregates				
	Sampling	T 2	D 75	---	One/Source of Material
	Percentage of Wear	T 96	C 131	---	
	Soundness	T 104	C 88	---	
	Sieve Analysis	T 27	C 136	---	
	Bituminous Mixture				
	Sampling	T 168	---	465	One/Type of Mixture
	Stability	T 45	---	---	
	Air Voids (AV)	T269	---	---	
	Voids in Mineral Aggregate (VMA)	---	---	464	
	Water Sensitivity	---	---	455	
	Density – Maximum Theoretical	T 209	---	---	
	Density (Field)	T 166	---	461	One/750 SY[b]
	Thickness (Core)	---	---	---	
	Asphalt Binder Content	---	---	449/449A	One/500 TN[d,e]
	Smoothness	---	---	410.09(b)(2)	Daily Inspection
	Aggregate Gradation	T 30	C 136	460	One/750 TN[d,e]
Portland Cement Concrete Pavement and Structures[f]					
	Aggregates				
	Sampling	T 2	D 75		One/Source of Material
	Organic Impurities	T 21	C 40		
	Sieve Analysis	T 27	C 136		
	Percentage of Wear	T 96	C 131		
	Soundness	T 104	C 88		
	Friable Particles	T 112	C 142		
	Concrete Mixture				
	Sampling	T 141	C 172	---	One/100 CY
	Slump	T 119	C 143	---	
	Temperature	---	---	---	
	Air Content	T 152	C 231	---	
	Cylinders	T 22/T 23	C 39/C 31	---	One Set (4)/100 CY[e]
	Thickness (Core)	T 24	C 42	---	One/1000 LF/Lane[b]

[a] Additional Tests not listed herein may be referenced within the AASHTO or ASTM procedures.
[b] A minimum of one test required for each individual street, cul-de-sac and intersection.
[c] Trench and structure backfill tests are in addition to subgrade tests.
[d] Not less than one test per day.
[e] A minimum of one test required for each type of material or mixture.
[f] Structures includes concrete aprons and swales, drainage structures, driveways, sidewalks, etc.

6.2.15. Procedure for Inspection, Approval, and Warranty Requirements for Public Improvements

A. Process. The Developer shall be required to meet the following process prior to final plat approval with regard to the public improvements installed within the rights-of-way and easements:

(1) Inspection – By Engineer of Record- The Engineer of Record shall perform a site inspection to determine if the project is substantially complete and ready for a joint inspection with the city as described below. The Engineer of Record shall generate a deficiency list (punch list) and all items on the list shall be corrected before scheduling a joint inspection. Upon written request by the Engineer of Record, the Engineer may request a joint inspection prior to all punch list items being completed, however written justification shall be submitted to the City describing incomplete punch list items and substantiating why a joint inspection should be granted prior to the punch list items' completion. Upon review the city *may* deem some punch list items as incidental and allow the scheduling of the joint inspection; however, these determinations are up to the City's administrative discretion and the City is under no obligation to grant a joint inspection prior to punch list completion.

(2) Joint Inspection- A joint inspection will be performed with city representatives (including, but not limited to the Administrative Official), the Engineer of Record, and the contractor. The public improvements will be inspected for compliance to the plans, standards, and specifications. The Engineer of Record shall develop a final punch list.

(3) Correction of Deficiencies- The Contractor and Developer shall correct deficiencies.

(4) Submittal of Record Plans- The Engineer of Record shall submit signed and sealed Record Plans (As-builts). One (1) hard copy, one (1) electronic copy in PDF format and one electronic copy in .dwg format shall be submitted to the city. A review copy in PDF format will be required for review purposes prior to the final submittal.

(5) Final Plat Approval- After the Contractor has corrected the deficiencies identified on the punch list and the Engineer of Record has inspected the site, the city may be contacted by the Engineer of Record to inspect the corrections. Upon satisfactory completion of the punch list items and submittal of the public improvement construction costs, warranty guarantee, inspection reports, material testing reports, engineer certifications, final as-built drainage report, as-built plans, and any other project requirements per the approval letter, The project and all public infrastructure shall be eligible for Final Plat consideration. The public Infrastructure shall be considered accepted with the completion, approval by the

Planning Commission, and filing of all Final Plat documents with the City Clerk and the County Circuit Clerk (and County file marked copies returned to the City).

(6) Start of Warranty Period- Upon Final Plat Approval and filing, the warranty period shall commence. The Warranty Period for all Public Improvements shall be two (2) years. During the Warranty Period, the Developer shall guarantee the work to be free of any damage or defects in workmanship and material.

(7) Warranty Guarantee- A Warranty Guarantee shall be required for the entire Warranty Period. The Warranty Guarantee shall be in the form of a letter of credit, maintenance bond, or cash deposit. The Guarantee shall be in the amount of fifty percent (50%) of the total value of the public improvements for the project. (Including Water/Sewer/Drainage/ Sidewalk/etc.) The Developer is responsible for maintaining all public improvements throughout the Warranty Period.

(8) Time Frames for Completing Repair- At any time before the completion of the Warranty Period, the city may notify the Developer of needed repairs. If repair areas are considered to be an imminent danger to the public health, safety, and welfare, the Developer's Contractor shall act within twenty-four (24) hours to complete the repair. If the work is not considered a safety issue, the Developer has ten (10) working days to schedule the work, and thirty (30) calendar days to complete the work. Extensions of time may be considered when necessary due to weather constraints.

(9) Warranty Inspection- Within forty-five (45) days prior to the end of the warranty period, the city may inspect all public improvements for defects in workmanship or materials. A deficiency list shall be developed and provided to the Developer/Contractor. Normal wear and tear shall not be considered a deficiency.

(10) Re-Inspection. If repair or replacement of Public Improvements are required, the Developer's Contractor shall complete repair or replacement within thirty calendar days of receipt of the final punch list, unless otherwise agreed upon. Upon completion, the Developer's Contractor shall contact the city for a reinspection.

(11) Failure to Complete Repair. If the Developer has not completed the warranty repairs in the time frame specified, the city may choose to affect the necessary repairs. The city will either invoice the Developer for all costs for the related work plus a five hundred dollar ($500.00) administrative fee or it will collect from the guarantee.

(12) Written Notification of Release. Once the Developer/Contractor has satisfactorily completed any necessary repairs or replacements at the end of the warranty period, a written notification from the city shall release the Developer of all future repairs for the Public Improvements and the Warranty Guarantee shall be released to the original provider.

6.2.16. Waivers

A. Any waivers or variations of the regulations in this article are subject to the waiver standards and process found in Section 5.1.10.

SECTION 6.3. STORMWATER DRAINAGE AND MANAGEMENT REQUIREMENTS

6.3.1. Authority

These regulations are adopted under the authority conferred on the City by the General Assembly of the State of Arkansas by A.C.A. § 14-56-401 et seq.

6.3.2. Purpose and Intent

The purpose of this article is to protect, maintain, and enhance the health, safety, and welfare of the public by:

A. Preventing increases in the magnitude and frequency of stormwater runoff to prevent increases in flood flows and associate hazards and costs;
B. Controlling soil erosion and sedimentation to minimize soil deposition in streams, lakes, and other receiving water bodies and storm drainage systems; and
C. Requiring surface and stormwater management practices that comply with the provisions of this article.

6.3.3. Adoption of Urban Drainage Design Manual

The City hereby adopts by reference the current edition of Federal Highway Administration Urban Drainage Design Manual except as modified herein. All drainage technical procedures and design standards contained therein shall have the same force and effect as if printed word for word in this article.

6.3.4. Applicability

The provisions of this article shall apply to all land within the corporate limits and territorial jurisdiction (also known as planning area map) of the City, as they now or may hereafter exist. These regulations shall also apply to any land annexed into the corporate limits after adoption of these regulations.

6.3.5. Submittal Procedure

A. General. All plans and technical reports submitted for review under this article shall be stamped by a register professional Engineer or licensed landscape architect, licensed to practice in the State of Arkansas.

B. Conceptual review. A conceptual stormwater drainage and management plan review with City staff is encouraged before initiation of other permitting that may be required under this or other City codes.

C. Preliminary submittal. Preliminary plans and technical reports required herein shall be submitted at the same time as a site plan, large scale development, preliminary plat, are submitted. If needed, a review meeting will be scheduled by City staff with a representative of the Developer, including the design professional, to review the concepts presented in the plans and technical reports. The purpose of the meeting is to jointly agree to an overall stormwater concept for the proposed development and to review criteria and design parameters that shall apply to the final design of the project.

D. Final submittal. Following the preliminary plans and technical reports, final plans and technical reports shall be prepared for each phase of the proposed project. The final plan shall constitute a refinement of the concepts approved in the preliminary plans with preparation and submittal of detailed information as required in the Urban Drainage Design Manual.

6.3.6. Drainage Report

A. A technical drainage report shall be required that is prepared by a registered professional Engineer or licensed landscape architect, licensed to practice in the State of Arkansas, describing the assumptions, calculations, and procedures used for determining compliance with the Urban Drainage Design Manual.

B. The following items shall be included in the Drainage Report that accompanies each proposed improvement plan set submitted to the City.
   (1) Aerial Photograph. Aerial photograph of the project vicinity, covering the project area and the totals lands that contribute runoff.
   (2) Topographic map. Topographic map of the project showing the location and elevation of benchmarks, including at least one benchmark for each control structure.
   (3) Soils and vegetation map. Soils and vegetation map displaying the most recent U.S. Soil Conservation Service information and encompassing both the project area and the drainage area that contributes runoff.
   (4) Existing and proposed improvements. Plans detailing existing and proposed building and pavement locations, proposed grading and drainage improvements, as well as supplemental details showing drainage release structures and stormwater conveyance systems.
   (5) Erosion control drawings. Plans identifying the type, location, and schedule for implementing erosion and sediment control measures, including appropriate provisions for maintenance and disposition of temporary measures.
      (a) Project title and date
      (b) Project location: include the street address and a vicinity map;
      (c) Project description: a brief description of the proposed project;
      (d) Project owner's name, address and telephone number;
      (e) Site area: to the nearest 0.1 acre;
      (f) Site drainage: a brief description of the site drainage for the proposed project;
      (g) Area drainage problems: provide a description of any known on-site, downstream or upstream drainage/flooding problems;
      (h) Upstream and downstream drainage: a) pre- and post-developed drainage area maps as well as inlet area maps with the time of concentration flow paths and b) proposed and existing topography shown as appropriate;
      (i) Summary of runoff: provide a table with the 2, 5, 10, 25, 50, and 100-year storm flows for existing and proposed conditions (with and without detention if shown) and the proposed difference in flows;
      (j) Calculations: provide copies of all calculations performed, including:
         i. Runoff flow calculations for the 2, 5, 10, 25, 50, and 100-year storm events (existing and proposed conditions);
         ii. Coefficients or runoff curve numbers;
         iii. Inlet calculations, include any ponded area created at each;
         iv. Pipe or culvert calculations;
         v. Open-channel calculations including any flumes;
         vi. Detention calculations including:
            1. Basin sizing calculations;
            2. Outlet structure design with release rates computations for the 2, 5, 10, 25, 50, and 100-year storm events;
            3. Stage-storage and stage-discharge curves; and

(k) Hydraulic grade line calculations.
(l) Recommendations/Summary: description of any assumptions made in the calculations, drainage improvements to be made to the site and the expected effects of the project.
(m) Certification: all drainage reports shall be signed, sealed and dated by an Engineer registered in the State of Arkansas and shall include the following certification:

I _____, Registered Professional Engineering No. _____ in the State of Arkansas, hereby certify that the drainage designs and specifications contained in this Report have been prepared by me, or under my responsible supervision, in accordance with the regulations of the City of Gravette, Arkansas, the Professional Engineers Registration Act of the State of Arkansas, and reflect the application of generally accepted standards of Engineering practice. I further certify that the improvements outlined in this Report will not have any adverse effects to life or downstream properties. I understand that review of these plans is limited to general compliance with the City codes and regulations and does not warrant the Engineer's design or imply any liability to the City of Gravette for the designs contained herein.

6.3.7. Performance Criteria

A. Except as otherwise provided in this article, a development must be designed, constructed, operated, and maintained to comply with the following criteria:

(1) Peak discharge. The post-development peak rate of surface discharge must not exceed the existing peak rate of surface discharge for 24-hour duration storms for the two-year, five-year, ten-year, 25-year, 50-year, and 100-year events. Exceptions may be granted if applicant can conclusively demonstrate, as determined by City staff, that there is a negligible impact downstream by increased peak flows.

(2) Direct discharge. Direct discharge of a pipe into streams and/or floodways is not allowed. A stilling basin or other structure that will collect sediment, trash, etc. and that will reduce the likelihood of erosion into the receiving stream due to discharge from the pipe shall be installed at pipe discharges into streams and/or floodways.

(3) Erosion and channel stability. All stormwater management systems shall be evaluated on their ability to prevent erosion and sedimentation into receiving waters and adverse impacts on the site's natural systems. The design professional shall consider the on-site and downstream effects of the peak discharges and shall design both the permanent and construction phase of the system in a manner that will not increase flooding, channel instability, or erosion downstream when considered in aggregate with other developed properties and downstream drainage capacities.

(4) Drainage into wetlands and floodways. Areas defined as wetlands and floodways by the appropriate federal agencies shall be protected from adverse change in runoff quantity and quality from associated land development.

(5) Precipitation Data and Rainfall Intensity. The following tables shall be used to estimate stormwater runoff utilizing appropriate methods as provided in the Urban Drainage Design Manual.

Table 1: Rainfall Intensities (in/hr)

Return Period	T_c (min)			
	5	15	30	60
2-Yr	5.44	3.47	2.42	1.63
5-Yr	6.68	4.31	3.03	2.06
10-Yr	7.56	4.90	3.46	2.36
25-Yr	8.85	5.75	4.07	2.79
50-Yr	9.84	6.40	4.54	3.12
100-Yr	10.83	7.07	5.02	3.45

Table 2: Intensity-Duration-Frequency Curve Coefficients (in/hr)

Return Period	Variable		
	B	D	E
2-Yr	23.629	4.900	0.641
5-Yr	27.686	4.800	0.623
10-Yr	30.844	4.800	0.616
25-Yr	35.311	4.700	0.609
50-Yr	38.983	4.700	0.606
100-Yr	42.641	4.700	0.603

$$Intensity\ (in/hr) = \frac{B}{(T_c + D)^E}$$

Table 3: 24-hour Design Rainfall (in)

Duration		2 year	5 year	10 year	25 year	50 year	100 year
(hours)		(in)	(in)	(in)	(in)	(in)	(in)
24		3.92	4.65	5.31	6.27	7.07	7.91

(6) Rational Method Runoff Coefficients. Table 3-1 of the Urban Drainage Design Manual shall be replaced with the following table:

Table 4: Runoff Coefficients for Various Land Uses

Land Use Description	Slope, %	Hydrologic Soil Group		
		B	C	D
Lawns				
	0-2	0.15	0.25	0.35
	2-7	0.25	0.35	0.4
	> 7	0.3	0.35	0.45
Unimproved areas				
Forest		0.15-.2	0.2-.25	0.2-0.3
Meadow		0.2-0.4	0.25-0.45	0.3-0.55
Row crops		0.25-0.6	0.35-0.75	0.4-0.8
Business				
Downtown areas		0.7	0.8	0.9
Neighborhood areas		0.5	0.6	0.7
Residential				
8 lots / acre		0.67	0.71	0.76
4 lots / acre		0.46	0.52	0.61
3 lots / acre		0.4	0.47	0.57
2 lots / acre		0.35	0.43	0.54
Suburban (1 lot / acre)		0.3	0.38	0.5
Multi-units, detached		0.7	0.75	0.8
Multi-units, attached		0.75	0.8	0.85
Apartments		0.65	0.7	0.75
Industrial				
Light areas		0.6	0.75	0.85
Heavy areas		0.8	0.85	0.9
Parks, cemeteries		0.25	0.35	0.45
Schools, Churches		0.7	0.75	0.8
Railroad yard areas		0.2	0.35	0.5
Asphalt & Concrete Pavements, Roofs.		0.95		
Brick Pavement or Gravel (compacted subgrade)		0.85		
Graded or no plant cover				
	0-2	0.25	0.3	0.35
	2-7	0.35	0.45	0.55
	> 7	0.5	0.65	0.8

Table 5: Runoff Curve Numbers

Cover Description		Curve numbers for hydrologic soil groups		
Cover type and hydrologic condition[2]	Average percent impervious area[3]	B	C	D
Cultivated land:				
Without conservation treatment		81	88	91
With conservation treatment		71	78	81
Pasture or range land:				
Poor condition		79	86	89
Good condition		61	74	80
Meadow				
Good condition		58	71	78
Wood or forest land:				
Thin stand, poor cover		66	77	83
Good cover		55	70	77
Open space (lawns, parks, golf courses, cemeteries, etc.)[4]				
Poor condition (grass cover <50%)		79	86	89
Fair condition (grass cover 50% to 75%)		69	79	84
Good condition (grass cover > 75%)		61	74	80
Impervious areas:				
Paved parking lots, roofs, driveways, etc. (excluding right-of-way)		98	98	98
Streets and roads				
Paved; curbs and storm drains (excluding right-of-way)		98	98	98
Paved; open ditches (including right-of-way)		89	92	93
Gravel (including right-of-way)		85	89	91
Dirt (including right-of-way)		82	87	89
Urban districts:				
Commercial and business	85%	92	94	95
Industrial	72%	88	91	93
Residential districts by average lot size:				
1/8 acre or less (town houses)	65%	85	90	92
1/4 acre	38%	75	83	87
1/3 acre	30%	72	81	86
1/2 acre	25%	70	80	85
1 acre	20%	68	79	84
2 acres	12%	65	77	82
Developing urban areas and newly graded areas (pervious areas only, no vegetation).		86	91	94

(7) Allowable Spread in Street -

Table 6: Flow spread limits & ponding depths for inlets – (10-year design storm).

Street Classification	Max. Depth at Curb for 100-year design storm	Maximum Encroachment	Example Based on Given Street Width (Normal Typical Section)
Local w/ On Street Parking	0.5 feet	Spread of water flowing in gutter shall be limited so that half of roadway width (F.O.C. to F.O.C.) remains clear.	Street Width (F.O.C. to F.O.C.) = 31 ft.; Required Clear Lane = 31 ft./2 = 15.5 ft. Therefore: Street flow in each gutter ≤ (31'-15.5')/2 = **7.75 ft.**
Downtown	0.5 feet	Spread of water flowing in gutter shall be limited so that half of roadway width (F.O.C. to F.O.C.) remains clear.	Street Width (F.O.C. to F.O.C.) = 46 ft.; Required Clear Lane = 46 ft./2 = 23 ft. Therefore: Street flow in each gutter ≤ (46'-23')/2 = **11.5 ft.**
Rural Collector	N/A	N/A	N/A
Collector with Trail	0.5 feet	Spread of water flowing in gutter shall be limited so that half of roadway width (F.O.C. to F.O.C.) remains clear.	Street Width (F.O.C. to F.O.C.) = 36 ft.; Required Clear Lane = 36 ft./2 = 18 ft. Therefore: Street flow in each gutter ≤ (36'-18')/2 = **9.0 ft.**
Collector Blvd. w/Trail	0.5 feet	Spread of water flowing in gutter shall be limited so that half of roadway width (F.O.C. to F.O.C.) remains clear.	Street Width (F.O.C. to F.O.C.) = 13 ft in each direction; Required Clear Lane = 13 ft./2 = 6.5 ft. Therefore: Street flow in each blvd. side gutter ≤ **6.5 ft.**
Minor Arterial with Trail	0.5 feet	Spread of water flowing in gutter shall be limited so that half of roadway width (F.O.C. to F.O.C.) remains clear.	Street Width (F.O.C. to F.O.C.) = 58 ft.; Required Clear Lane = 58 ft./2 = 29 ft. Therefore: Street flow in each gutter ≤ (58'- 29')/2 = **14.5-ft**
Arterial Blvd.	0.5 feet	Spread of water flowing in gutter shall be limited so that half of roadway width (F.O.C. to F.O.C.) remains clear.	Street Width (F.O.C. to F.O.C.) = 24' in each direction; Required Clear Lane = 24 ft./2 = 12 ft. Therefore: Street flow in each blvd. side gutter ≤ **12.0 ft.**

Note: Clear roadway width shall be centered within 4 feet of the roadway centerline.
*F.O.C. = Front of Curb

(8) Detention Pond Requirements. The following requirements shall be met for detention facilities:

(a) An overflow spillway for the detention facility shall be required and must permit the passage of the runoff from the 100-year event if the primary outlet becomes clogged or for storm events larger than the 100-year event
(b) The elevation of the top of the embankment shall be a minimum of 1 foot above the 100-year event.
(c) Finished floor elevations of adjacent habitable structures shall be a minimum of 2-ft above the 100-year water surface elevation of detention facility.
(d) Detention facilities with a permanent water pool depth greater than 1 foot shall provide either a 10' wide safety bench with a 10:1 (H:V) slope just below the normal water surface elevation or provide a 48-inch tall wrought-iron style fence or approved equal to be approved by the City.
(e) Dry detention basins shall drain within 24 to 48 hours
(f) Maximum side slopes of all detention facilities shall be 3:1 (H:V), and side slopes of 5:1 are preferred.
(g) The pond bottom shall have a minimum 1.00% slope for dry detention basins.
(h) A 5-foot wide concrete low-flow channel shall be provided for dry detention basins.
(i) The minimum length to width of the detention facility ratio shall be 2:1.
(j) Dry detention basins must be solid sodded up to the top of bank. Wet retention basins shall be sodded from the top of bank to the normal water surface elevation and vegetated from the normal water surface elevation to the bottom of the pond. Alternative vegetative plantings may be allowed with approval from the City.
(k) All detention basins shall be a maximum of 8 feet in depth from the top of bank to the bottom of the pond.

(9) Open Channel Flow Requirements. The following requirements shall be met for open flow channels:

Table 7: Grass-Lined Open Channel Design Criteria

DESIGN PARAMETER	REQUIREMENT
Maximum Velocity	≤ 6-fps for 100-year design
Manning's n – Used to check channel capacity (flow depth) 0.040	0.040
Manning's n – Used to check maximum velocity (channel stability)	0.030
Froude Number	< 0.8
Longitudinal Channel Slope	≥ 0.75% ≥ 1.00% if no trickle channel is present Maximum channel slope controlled by maximum channel velocity
Side Slopes (max.)	3H:1V
Channel Bottom Width (trapezoidal)	≥ 5-ft
Trickle Channel (if any) sized for …	2.0% of 100-year design peak flow for fully developed watershed
Trickle Channel (if any) Bottom Width	≥ 5-ft

Centerline Curve Radius (feet) (subcritical flow)	≥ 2x the top width of the 100-year design storm
Centerline Curve Radius (supercritical flow)	Supercritical Flow NOT ALLOWED
Channel Freeboard	≥ 1-ft for 100-year design

Table 8: Concrete-Lined Open Channel Design Criteria

DESIGN PARAMETER	REQUIREMENT
Maximum Velocity	≤ 18-fps for 100-year design
Manning's n – Used to check channel capacity (flow depth) 0.040	0.011
Manning's n – Used to check maximum velocity (channel stability)	0.013
Froude Number	≤ 0.7 and ≥ 1.4 under both Manning's n
Longitudinal Channel Slope	≤ 1.00%
Side Slopes (max.)	1.5H:1V (unless structurally designed for steeper slope)
Channel Bottom Width	≥ 5-ft
Centerline Curve Radius (feet) (subcritical flow)	≥ 2x the top width of the 100-year design storm
Centerline Curve Radius (supercritical flow)	No curvature permitted
Channel Freeboard	≥ 1-ft for 100-year design

(10) Storm Sewer Requirements.

A. Design Storm Accommodation
Closed storm sewers for all conditions shall be designed to accommodate the 10-year design storm, based on the stormwater runoff collected and conveyed by the storm sewer system. Accommodating the design storm means the storm sewer shall be sized to convey collected runoff without surcharging using approved drainage design practices. All storm sewer shall be designed so that the hydraulic gradient is 2-foot below the ground surface (gutter line) for the entire length of the storm sewer run. The storm sewer shall also be designed so that it conveys at a maximum 80% full flow capacity during the 10-year design storm. Furthermore, all storm sewer must be able to manage the 100-year design storm runoff so that it is conveyed within the right-of-way or a drainage easement at all times and adjacent properties are protected from damage.

B. Sizing
Industry standard pipe sizes shall be used for all storm sewer piping within the system with no pipe being less than 18-inches in diameter, unless a smaller pipe is requested and approved by the Gravette Streets Department prior to installation. Pipe sizes generally increase in size moving downstream since the drainage area and corresponding stormwater flows increase. Do not discharge the contents of a larger pipe into a smaller one, even when the capacity of a smaller downstream pipe has sufficient capacity to handle the flow due to a steeper slope. All pipe sizes shall be reviewed and approved by the Gravette Streets Department prior to installation.

C. Material
Reinforced concrete pipe (RCP) or reinforced concrete box culverts (RCB) shall be used in all right-of-way areas and under all traffic areas (including parking lots, driveways,

etc.). All storm sewer pipe having a diameter or hydraulically equivalent pipe size diameter of 36-inches or greater must be RCP. RCP ASTM Class III shall be used in all areas unless otherwise required due to fill heights. Reinforced concrete pipe and reinforced concrete box culvert materials and installation shall meet the requirements of the latest edition of the ARDOT Standard Specifications Sections 606 and 607 including bedding and backfill requirements. All end treatments shall have a flared end section or concrete headwall.

RCP shall conform to:

Circular Pipe – AASHTO M170/ASTM C76
Arch-shaped Pipe – AASHTO M206/ASTM C506
Elliptical Pipe – AASHTO M207/ASTM C507.

Corrugated metal pipe (CMP) [including smooth lined (SLCMP)] can only be used in areas outside of street right-of-way but shall not be used under traffic areas. CMP shall have a minimum cover of 2-feet. CMP shall conform to the following:

Galvanized Steel – AASHTO M218/ASTM A929; AASHTO M36/ASTM A760 and AASHTO Section 12/ASTM A796

Aluminized Steel Type 2 – AASHTO M274/ASTM A929; AASHTO M36/ASTM A760 and AASHTO Section 12/ASTM A796

Aluminum – AASHTO M197/ASTM B744; AASHTO M196/ASTM B745 and AASHTO Section 12/ASTM B790.

High-density polyethylene pipe (HDPE) can only be used in situations where it is outside of right-of-way or City drainage easement with the exception of a driveway culvert unless approved otherwise in writing by the City. HDPE can be used under driveways where the pipe conveys the flow of a roadside ditch and must be approved by the City prior to its use. HDPE shall be dual walled with a smooth interior, corrosion and abrasion resistant, and soil tight. HDPE shall have a minimum cover of 2-feet and conform to AASHTO M 294 and ASTM F2306. All pipe shall be installed per manufacturer's specifications.

- The minimum cover of 2-feet may be reduced as necessary per written approval by the city.

Reinforced concrete box (RCB), also includes three-sided boxes for these purposes, shall be structurally designed to accommodate earth and live load to be imposed upon the structure. Refer to the ARDOT's Reinforced Concrete Box Culvert Standard Drawings.

When installed within public right of way, all structures shall be capable of withstanding minimum HL-93 loading.

D. Manning's Roughness Coefficients

Table 9: Manning's Roughness Coefficients, n for Storm Drains

Materials of Construction	Design Manning Coefficient (n)
Reinforced Concrete Pipe (and Reinforced Concrete Box)	0.013
Corrugated Metal Pipe Plain or Coated Paved Invert Smooth lined	 0.024 0.020 0.012
Corrugated Polyethylene Pipe Plain Smooth lined	 0.021 0.012
Polyvinyl Chloridge (PVC)	0.010

E. Minimum Grades

Storm sewer piping shall operate with flow velocities sufficient to prevent excessive deposition of solid material; otherwise, clogging can result. Storm drains shall be designed to have a minimum flow velocity of 3.0-ft/sec when flowing under its 10-year design storm capacity. This velocity is accepted as producing scour potential when a storm sewer is flowing at its 10-year design storm capacity so that any deposition of solid material within the storm sewer will be cleaned out during the 10-year design storm. Grades for closed storm sewers and open paved channels shall be designed so that the velocity shall be no less than 3.0-ft/sec for the 10-year design storm capacity nor exceed 12-ft/sec for any design storm. The minimum slope for standard construction procedures shall be 0.40 percent. Any variance must be approved by the Planning Commission.

F. Culvert Design. Culvert Design shall adhere to the table below:

Table 10: Design Storm Frequencies and Minimum Freeboard

Description	Design Storm Frequency	Minimum Freeboard (ft)
Trails	2	1
Local Street	10	1
Collector	25	1
Minor Arterial & Major Arterial	50	1
Bridges (Local & Collector Roadways)	50	1*
Bridges (Arterial & Critical Service Access Roadways/Drives)	100	1*

* – from "Low Chord" / "Low Steel"

Private Driveway culverts shall be designed to the roadway classification providing access to the lot as described in the above Table 10. Driveway culverts for individual single-family residences shall adhere to section 6.3.7 A (10), and are not typically required to be engineered, however the city reserves the right to require engineering design on any driveway deemed necessary by the Administrative Official.

6.3.8. Maintenance

A. Streets and alleys. It shall be the duty of every owner or occupant of any lot premises in the City along which any street or alleys runs, to keep said street or alley from the middle line thereof to the side next to him, free from all manner and kind of filth, garbage, trash, debris or decaying animal and vegetable substance of every kind.

B. Gutters or ditches. No person shall allow any filth or obstruction of any kind to accumulate in the gutter or ditch in front of his premises, and all owners or occupants of property are required to keep the gutter or ditch in front of their premises clean, open and free from trash, tall grass, and weeds and all obstructions to the easy and rapid flow of water.

   a. Exemptions from this requirement may be requested. The City Council shall vote on requested exemptions. Exemptions shall be based on existing conditions that make the area not reasonably feasible for a property owner or occupant to maintain, some of which could include, but are not limited to, the following:
      i. Presence of a major drainage pipe 30” or larger
      ii. Presence of a weir
      iii. Steep side slope in excess of 2 feet to 1 foot
      iv. Hydrology of ditch (water standing for more multiple days after a rain)
      v. Substantial sedimentation that requires equipment for proper cleanout.
   b. It shall be the responsibility of the owner or occupant to submit a written request for an exemption that describes the conditions which limit their ability to maintain the gutters or ditches in front of the premises, within the City Right-of-Way.

C. Systems within the public right-of-way. Stormwater management systems located within the public right-of-way may be maintained by the City.

D. Systems on privately held land.

(1) The owner of the property on which stormwater systems and structures have been installed shall agree to maintain them in good condition and promptly repair and restore all grade surfaces, walls, drains, dams and structures, vegetation, erosion and sedimentation controls, and other protective devices. Such agreement shall be provided and approved prior to the granting of final plat approval (or Certificate of Occupancy in the case of a site plan). The owner of the property shall also provide a plan and such assurances as required so that the stormwater systems and structures will be maintained and repaired as needed in the future to assure the continuation of appropriate stormwater management for the development.

(2) In the case of a residential subdivision, a POA/HOA shall maintain the common areas, including stormwater detention/retention ponds. The POA/HOA Declaration of Covenants and Restrictions shall be provided to the City and a copy shall be recorded, at the developer’s expense, at the time the Final Plat is filed (section 6.6)

(3) Post-construction compliance. Upon completion of permitted construction activity on any site subject to the requirements of this article, the property owner and subsequent property owners will be responsible for continued compliance with the requirements of this article in the course of maintenance, reconstruction, or any other construction activity on the site.

(4) Easement required. All stormwater drainage and management systems on private land shall be placed entirely within a drainage easement encompassing all components of the system. Such easement will provide for a right-of-entry for inspection purposes. Such inspection will be conducted at reasonable times and in a reasonable manner.

SECTION 6.4. ACCEPTANCE OF PUBLIC DEDICATIONS, ASSURANCE FOR COMPLETION OF IMPROVEMENTS, AND WARRANTY

6.4.1. Acceptance of Public Dedications

Before the final plat is recorded in the office of the County Recorder, an agreement shall be reached between the Applicant 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.

6.4.2. Assurance for Completion of Improvements

The City of Gravette 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 applicant 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 applicant 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 project engineer, and approved by the Administrative Official to be sufficient to complete the improvements and installations for the applicant in compliance with these rules and regulations, plus 50 percent for a total of 150 percent of the approved 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 applicant 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:

   (1) Be in an amount determined by the Administrative Official to be sufficient to complete the improvements and installations for the subdivision in accordance with these regulations.
   (2) Specify the time of completion of improvements and installations.

D. Cash Deposit – The applicant may provide a cash deposit in a full amount as specified by the Administrative Official 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 Administrative Official's estimate.

6.4.3. 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 Gravette 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 within thirty (30) days of a city request. Repairs shall include, but not be limited to, localized pavement surface failures, sub-grade failures and drainage deficiencies.

SECTION 6.5. INSPECTION OF IMPROVEMENTS

6.5.1. Notification of Completion

Every applicant 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 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 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 shall notify the subdivision Engineer and contractor in writing of such defects, deficiencies or deviations. The applicant 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 applicant shall notify the Mayor in writing that the improvements are again ready for final inspection.

SECTION 6.6. ACCEPTANCE, DEDICATIONS, AND RECORDATION

6.6.1. Acceptance and Dedication

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

Approval of final plats within the Gravette City Limits by the Planning Commission and filing of the Plat of Record with the Circuit Clerk and Recorder of Benton 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 achieved by the adoption of an ordinance by the City Council.

6.6.2. Recording

Upon approval of the final plat and acceptance of the public dedications by the City Council, the Developer 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.

Upon recording the plat, the Developer shall provide the City 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 for the use of the Applicant.

6.6.3. 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 7 FENCING, SCREENING, LANDSCAPING, and OUTDOOR LIGHTING

SECTION 7.1. FENCE AND WALL REQUIREMENTS.

7.1.1. These requirements shall apply to the following conditions in all zoning districts, except as specifically exempted.

(a) New Construction. Construction of a new fence or wall;
(b) Extension. Extension of an existing fence or wall;
(c) Replacement.
  (1) Replacement of an existing fence or wall that is a different size, at a different location or of a different material (such as a chain link fence being replaced by a wood privacy fence); or
  (2) Replacement of more than 50 percent of the linear length of an existing fence
(d) Retaining walls over forty-eight (48) inches in height shall be stamped and signed by a professional engineer registered in the State of Arkansas. Plans require city engineering review and approval prior to construction.
    a. All site plans submitted for a retaining wall shall be drawn to a typical engineering scale and include the following:
      i. Location of all property lines.
      ii. Location of all existing and proposed structures.
      iii. Locations of existing retaining walls on or adjacent to the property that are to remain in place, if applicable.
      iv. Portions of existing retaining walls that will be replaced, if applicable.
      v. Locations of new retaining wall, and
      vi. Location of all utilities, utility easements, drainage easements, and drainageways.
    b. All plans submitted for a retaining wall shall contain construction details that include the following:
      i. Dimensions and height of the wall.
      ii. Cross Section of the wall including footing design.
      iii. Elevations above and below the wall, and
      iv. Proposed wall material.
    c. Any additional information required by the Administrative Official for review shall be required.
(e) Retaining walls ten (10) feet or greater in height shall submit all information found above in Section 7.1.1 (d), and shall also require a geotechnical investigation and a formal report submitted by a registered professional engineer qualified to make such investigations.

7.1.2. Exemptions. This section shall not apply to:

1. Zoning Districts. The A-1, Agricultural zoning district, except requirements of placement of razor wire, barbed wire, or electric fences near sidewalks and rights-of-way.
2. Replacement. Replacement of less than 50% of the linear length of an existing fence except that the portion being replaced shall not:

(1) Impede visibility at the sight triangle,
(2) Impede a natural drainage way;
(3) Be located in certain utility easements that require gated access; or,
(4) Encroach upon neighboring property lines.

7.1.3. Permit required. A fence permit shall be obtained prior to beginning construction and replacement of all applicable fences and wall, except those shown on an approved preliminary plat or large-scale development. This includes fences for single-family residences.

1. Subdivision Plat or Large-Scale Development. A boundary fence or wall that is approved in conjunction with a Subdivision Plat or Large-Scale Development, will not require a separate permit.

2. Inspection required. The applicant shall contact Building Inspections to request a final inspection upon completion of the fence. If the building inspector determines that the fence is constructed in accordance with the ordinance requirements and the approved fences permit, a Certificate of Compliance will be issued. If the fence does not pass the inspection, the building inspector shall prepare an inspection report detailing the deficiencies.

7.1.4. Fence Location.

1. Private Property. All fences and walls shall be located on private property and shall be built with the consent of the property owner. The fence installer and/or property owner shall be responsible to correctly locate property boundaries. Fences and walls shall not encroach neighboring property lines.

2. Front yard. A fence over 48 inches in height shall not be located in the front yard or be positioned any closer to the front property line than the front surface of the building for a typical residential lot. Decorative fencing not exceeding 36 inches is allowed in front yards. Corner lot fencing is not to exceed 30 inches in height within the sight triangle.
   (1) Front Yard fencing shall not be opaque.

3. Rear and Side Yards. A fence or wall may be located in the rear or side yard, but shall be in compliance with other regulations of this section.

4. Adjacent to Right-of-Way. Fences and walls adjacent to a public right-of-way shall be placed no closer than five (5) feet to the right-of-way.

5. Sight Triangle. Fences or walls constructed near street intersections shall stay clear of the “sight distance triangle”, shown in figure 7.3.1, in order to provide a reasonable degree of traffic visibility.

6. Easements.
   (1) Utility easements. Wall used as fences and footing for retaining walls are prohibited in a utility easement. Construction of all other fences in utility easements is permitted, but the fence installer and /or property owner assumes some risk by doing so. The fence enclosing utility easement(s) shall have a gate installed to permit access to the easement.

(2) Drainage Easements. Fences or walls shall not impede the normal flow of storm water and shall not cross an open drainage channel. Fences or wall proposed in drainage easements shall be approved on a case by case basis.

(3) Access Easement. Fences or walls shall not be constructed over a public access easement. Fences or walls proposed over private emergency access easements must be approved by the Fire Department to ensure adequate access for emergency vehicles and equipment at all times.

7.1.5. Design Standard. The following design standards shall apply to any new or replacements of any fence or wall where the length of the replacement exceeds 50 % of the length of the existing fence.

1. Height. Maximum height shall be eight (8) feet above average grade.
2. Finished Surface. Finished surface shall face outward from the property when visible from a public right-of-way. Posts and support beams shall be inside the finished surface or designed to be an integral part of the finished surface.
3. Gates. All fence segments abutting a thoroughfare, except for corner lots, shall provide one gate opening per lot to allow access to the area between the fence and the street pavement for maintenance and mowing. An exception may be granted if the City receives a letter from the Home Owners Association stating that this area is maintained by the association and not by individual homeowners
4. Material. Fences in Residential zones that are constructed with agricultural fence products and non-standard materials shall require approval from the Planning Commission.

7.1.6. Fence types.

1. Razor wire. Razor wire shall be prohibited. Exception. Razor wire shall be permitted in A-1, Agricultural district and shall not be placed within five (5) feet of a public sidewalk or within four(4) feet of a street right-of-way where a public sidewalk does not exist.
2. Electric fences. Electric fences shall be prohibited. Exception. Electric fences shall be permitted in A-1, Agricultural and R-E, Residential Estate Districts and shall not be placed within five (5) feet of a public sidewalk or within four (4) feet of a street right-of-way where a public sidewalk does not exist. Underground electric pet fences shall be permitted.

7.1.7. Pools and Spas. Refer to the International Building Code, Swimming Pool Enclosures and Safety Devices. Additionally, outdoor pools, spas, and hot tubs shall be protected by an enclosure designed to restrict access by children. If a fence is intended to serve as the required enclosure, it shall meet the following requirements in addition to those that apply to a fence or wall.

1. Height. The minimum height of the fence enclosure shall be at least 48 inches and a maximum 96 inches. The maximum clearance between the bottom of the fence and the ground shall be two (2) inches.
2. Gates. Gates in the enclosing fence shall swing away from the pool/spa area and be designed to be self-closing and self-latching. If the latch or latch-release hardware is on the outside of the fence, it shall be at least 54 inches above the ground. If the latch hardware is on the inside of the fence, it must be at least three (3) inches below the top of the fence and there shall not be any openings more than one-half (1/2) inches in width within eighteen (18) inches of the latch. Gates more than five (5) feet in width and designed for equipment access to the fence area are not required to be self-closing or self-latching provided that they are locked at all times except when needed for equipment access.

3. Design. The fence shall be designed so that there are no openings large enough to allow the passage of a four (4) inch diameter sphere and so that no “ladder effect” is created on the outside. If a chain link fence material is used, the maximum size of the opening (the distance between parallel wires) shall not exceed one and one quarter (1 ¼) inches.

7.1.8. Detention/Retention Ponds.

1. If a fence or wall is installed around a detention or retention pond with permanent water two (2) feet deep of more, the fence or wall shall meet the requirements in the “Pools and Spas” section.

SECTION 7.2. LANDSCAPE, SCREENING, AND BUFFERING REQUIREMENTS

7.2.1. Purpose.

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

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

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

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

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

5. Landscaping enhances parking lots.

6. Greenspace requirements can establish parks and other outdoor amenities for the citizens of the City.

7.2.2. Objectives.

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

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

2. To filter pollutants from the air and release oxygen;

3. To stabilize soil and prevent erosion;

4. To encourage preservation of desirable trees; and

5. To provide buffering between different uses and developments.

7.2.3. Applicability.

The requirements of this section shall apply to:

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

2. New parking lots or the expansion of existing parking lots in any zone which increases the parking to 30 or more spaces, or to parking lots with fewer than 30 spaces, when the Planning Commission deems necessary for improved control and safety of pedestrians; and

3. Open vehicular use area (excluding loading, unloading and storage areas) in an industrial zone containing more than 9,000 SF or area.

4. Additions. All additions to existing buildings that trigger the Large-Scale Development standards.

7.2.4. Exemptions.

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

2. Residential. All newly constructed individual single-family detached and duplex residential units shall be exempt from this Section unless otherwise regulated under Section 7.2.7 Residential Tree Planting, and 7.2.5 General Provisions

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

4. The application of this section may be waived in the C-1 Central Business District for construction or additions where space requirements make such application impossible or inappropriate. See each section for specific details.

7.2.5. General provisions.

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

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

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

(1) For Commercial, Industrial, and Multifamily Residential Apartments, one of the following are required.
   (a) Underground sprinkler system;

   (b) Automatic drip system; or

(2) Single-family, duplex, triplex, and quadplex residential units may use one of the methods listed above. At a minimum, the following is required:

   (a) A hose bib attachment within 100 feet of all landscaped areas.

A. Artificial plants. No artificial plants or vegetation shall be used to meet any standards of this section, unless expressly approved by the Planning Commission.

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

C. Vehicle Overhang. Landscaped areas and walks shall be protected from vehicular encroachment of overhang through appropriate wheel stops or curbs, located to insure a minimum two and one-half (2 ½) feet clearance.

D. Planting areas. Planting areas that contain trees shall comply with the minimum standards in the Master Street Plan along streets and be a minimum of five (5) feet wide and protected by raised curbs to prevent damage by vehicles when in or adjacent to parking or drive aisles.

E. Dumpster screening. Dumpsters located in any district shall be completely screened from view on all sides by a fence or wall with a minimum height of six feet, or one foot taller than the dumpster, whichever is greater. The average height shall not exceed eight (8) feet. The fence or wall shall provide complete visual screening of the dumpster from all sides, and be compatible in material and color with the principal structure on the lot. Dumpster enclosures (with the exception of the gate on one side) must be made of a masonry, cement board type material, or other durable material. Standard wood privacy fencing material is not acceptable for the enclosure. All dumpsters shall have a secured top to prevent materials from blowing out.

7.2.6. Landscape plans.

A. The landscaping plan is required to address the following requirements:

   (1) Street trees;

   (2) Landscape street frontage buffer;

   (3) Interior parking lot landscaping; and

   (4) Perimeter landscaping.

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

(1) Existing vegetation. Location, general type and quality of existing vegetation, including trees on site over six inches in diameter, except in areas determined by the Administrative Official to be heavily wooded;

(2) Preservation. Existing vegetation to be saved;

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

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

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

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

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

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

(9) One-year guarantee. Guarantee from the Developer that all plant materials will be warranted for a period of one year from the time of installation. If any material should fail to survive during that period, it would be replaced during the appropriate planting season.

7.2.7. Residential Tree Planting

A. Requirement. For newly constructed single family, duplex, triplex, and quadplex residential units, one (1) shade tree shall be planted in each yard adjacent to the roadway. Minimum tree caliper size shall be two (2) inches. Caliper is defined as the measurement of the diameter of the trunk six (6) inches above ground level for trees up to four (4) inches in caliper size. Existing trees may be credited. Final occupancy permits may be held for those who fail to complete landscape requirements.

7.2.8. Street trees.

Per the adopted street sections, street trees are required within the greenspace between the road and sidewalk. Street trees are the only required landscaping that may be planted in the right-of-way.

A. Purpose. Street trees provide a key piece of complete streets along with sidewalks, trails, and appropriate pedestrian connections. They help shape and define street corridors.

B. Minimum trees required. One large tree (species suitable for street tree application), or fraction thereof, for every fifty (50) linear feet of Right of Way frontage is required.

It is generally preferred that street trees be evenly spaced, however, adjustments in spacing may be allowed to accommodate driveways, accommodate areas of on-street parking, or other similar situations. Any adjustments to the number of street trees required shall be approved by the Planning Commission.

Frontage Buffer and ROW Trees

ROW trees:

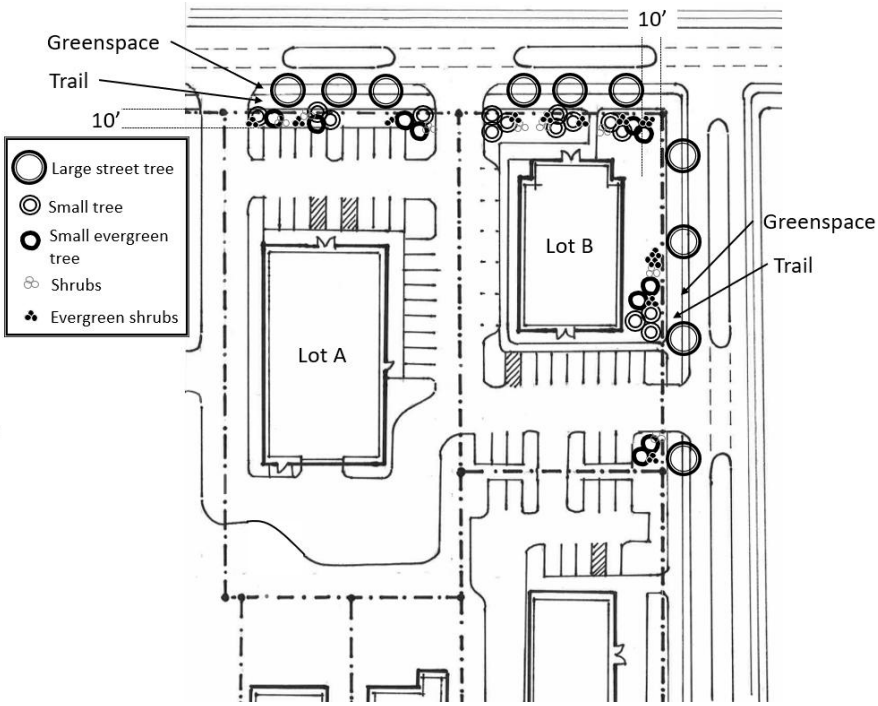
- ❖ 1 tree per 50′ of frontage

- Lot A: 150′ of frontage = 3 large trees
- Lot B: 130′ + 230′ of frontage= 7 large trees

Frontage buffer:

- ❖ Minimum 10′ wide
- ❖ 5 shrubs/small trees every 30′ with a preference for grouping
- ❖ 50% must be evergreen

- Lot A: 150′ of frontage = 25 shrubs/small trees
- Lot B: 130′ + 230′ of frontage= 60 shrubs/small trees



7.2.9. Landscaped street frontage buffer.

The street frontage buffer is the planting area parallel to the public street right-of-way.

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

B. Prohibitions. Parking, merchandise display, and off-street loading are prohibited in the landscaped street fontange buffer (sidewalks and driveways are allowed to cross the frontage buffer).

C. Exemptions.

(1) Individual single-family detached residential homes and residential duplexes where only one residential structure is located on each lot are not required to provide a landscaped street frontage buffer.

(2) Developments in C-1, Central Business District- areas are not required to provide a landscaped street frontage buffer when:

1. At least fifty (50) percent of the front façade of the structure is constructed within ten (10) feet of the public right-of-way, and there is no on-site parking in front of the structure.

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

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

(a) Minimum number of shrubs. Five shrubs/small trees per 30 linear feet of street frontage. A minimum of 50% of shrubs/small trees shall be evergreen. Rather than equally spacing the required shrubs/small trees, the City prefers they be placed as groups of plants.

(b) Sight visibility must be maintained.

E. Buffer options: Multifamily residential and other residential subdivision developments (does not include individual single-family detached or duplex units when there is only one residential structure per lot). Multifamily residential developments and other residential subdivision developments shall be required to have perimeter fencing for the entire development.

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

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

(3) A decorative non-opaque fence shall be required along public streets that are classified as collectors or above. This shall consist of a durable material. Wrought iron fencing is preferred. Wood privacy fencing may be used if it includes decorative columns or posts, or is set with metal posts. Additionally, this fence shall be planted with a minimum of five small trees per 50 linear feet of street frontage within a minimum ten-foot buffer strip. All plant material shall be evergreen. Rather than equally spacing the required shrubs/small trees, the City prefers they be placed as groups of plants.

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

(5) Sight visibility must be maintained.

(6) Exemptions: If the multifamily residential development is located in the C1 zoning district, portions of the perimeter fencing may be exempted if the development meets the following requirements:

(a) At least fifty (50) percent of the front façade of the structure is constructed within ten (10) feet of the public right-of-way, and there is no on-site parking in front of the structure.
(b) Side Lot Lines:
    i. At least fifty percent (50%) of the side façade of the structure is constructed to the property line as allowable in C-1 zoning, or
    ii. if the side lot line faces a street, at least fifty percent (50%) of the side façade of the structure must be constructed within ten (10) feet of the public right-of-way, and there must be no on-site parking on the side of the structure.
(c) Rear lot lines:
    i. At least fifty percent (50%) of the rear façade of the structure must be constructed to the rear property line, or
    ii. the parking is located in the rear of the structure, or
    iii. the parking is part of a shared parking lot, or
    iv. the rear property line is facing an alley way.

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

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

(a) Minimum number of shrubs or small trees. Five shrubs or five small trees per 50 linear feet of street frontage. A minimum of 50% of shrubs or small trees shall be evergreen. Rather than equally spacing the required shrubs/small trees, the City prefers they be placed as groups of plants.

(b) Sight visibility must be maintained.

(2) Earth berm.

(a) Minimum height. Two and one-half feet higher than the finished elevation of the parking lot.

(b) Minimum number of shrubs or small trees. Three shrubs or three small trees per 50 linear feet of street frontage. A minimum of 50% of shrubs/small trees shall be evergreen. Rather than equally spacing the required shrubs/small trees, the City prefers they be placed as groups of plants.

(c) Sight visibility must be maintained.

7.2.10. Interior parking lot landscaping.

A. Purpose. The interior parking lot landscaping:

(1) Provides necessary green space to give relief to expansive parking areas made solely of pavement;

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

(3) Planting islands assist with vehicular circulation and enhance safety.

B. Applicability. Interior parking lot landscaping requirements apply to all new parking lots or the expansion of existing parking lots in any zone which increases the total parking area to 30 or more spaces.

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

D. Requirements. The site plan shall show interior parking lot landscaping. Planting islands are required for every 10 parking spaces.

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

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

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

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

(c) Non-organic material may be approved if the parking lot landscaping area functions as a bioswale. Any adjustments shall be approved by the Planning Commission.

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

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

(b) Increase street frontage buffer. The applicant can request that the Planning Commission consider an increase of the street frontage buffer in lieu of the interior parking lot landscaping requirements. The required street frontage buffer shall a minimum of 15 feet wide and shall have installed the number of trees required for the interior landscape requirements along with the required landscaping required in the street frontage buffer.

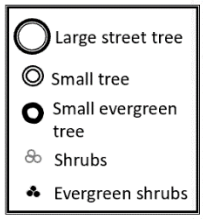
Parking Lot Trees

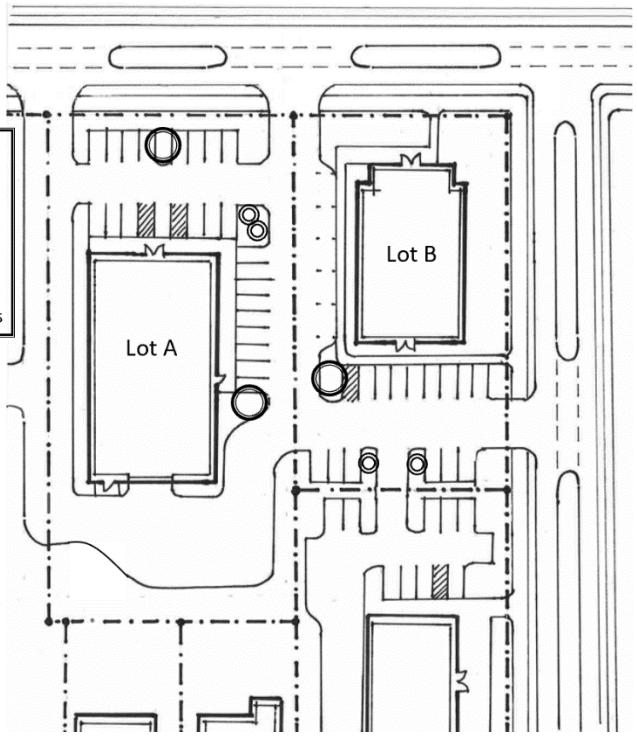
Parking Lot Trees

- ❖ 1 large tree or 2 small trees per 10 parking spaces
- ❖ 60% living material within planting areas required, can include ground cover

- Lot A: 24 spaces=
  3 large trees or 6 small trees

- Lot B: 19 spaces=
  2 large trees or 4 small trees





7.2.11. Landscaped perimeter buffer.

Perimeter landscaping is a peripheral planting strip along rear and side lot lines that separates properties.

A. Purpose. Perimeter landscaping:

(1) Defines parking areas;

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

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

(4) Provides vegetation in densely developed areas; and

(5) Enhances the appearance of individual properties.

B. Exemptions.

(1) Individual single-family residential detached and duplex residential units, when there is only one residential structure per lot, are not required to provide a landscaped perimeter buffer.

(2) Developments in C-1, Central Business District, are not required to provide a landscaped perimeter buffer when:

a. Side Lot Lines:

i. At least fifty percent (50%) of the side façade of the structure is constructed to the property line as allowable in C-1 zoning, or
ii. if the side lot line faces a street, at least fifty percent (50%) of the side façade of the structure must be constructed within ten (10) feet of the public right-of-way, and there must be no on-site parking on the side of the structure.

b. Rear lot lines:
i. At least fifty percent (50%) of the rear façade of the structure must be constructed to the rear property line, or
ii. the parking is located in the rear of the structure, or
iii. the parking is part of a shared parking lot, or
iv. the rear property line is facing an alley way.

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

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

(2) Minimum number of trees. One large tree or two small trees per every 50 feet (of lot line not adjacent to a Right of Way).

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

(a) Living materials such as grass/other vegetation shall make up at least 60% of the groundcover for the perimeter landscaping.

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

(c) Non-organic material may be approved if the perimeter landscaping area functions as a bioswale. Any adjustments shall be approved by the Planning Commission.

D. Vehicular and pedestrian access. The perimeter landscaping requirement does not preclude the need for vehicular or pedestrian access to be provided between lots. Both sidewalks and driveways may cross this area when needed.

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

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

G. Special standards: commercial/institutional and industrial. When located adjacent to a residential use or a non-compatible uses, increased landscaping standards shall be applied to reduce noise and light glare and to ensure residents' privacy.

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

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

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

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

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

H. Tree preservation. Existing healthy trees (as detailed in Section 7.2.13) may be included as a portion of the landscaped screening.

I. If a large buffer is retained, these standards may be reduced based on expected reduction of impact. A plan for the protection and retention of existing trees throughout the construction process shall be submitted and approved by the City for reduction to be considered. The Planning Commission shall approve any reduction.

J. Building height. No structure shall exceed 35 feet in height within 50 feet from the lot line of triggering property as detailed in 7.2.11 G.

K. Screening standards. Decorative walls, vegetative screening, fencing, or earthen berms shall be provided to completely screen off-street parking areas, mechanical equipment, storage areas, and refuse collection areas from view of triggering property as detailed in Section 7.2.11 G.

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

(1) No swimming pool, tennis court, ball field, or playground area (except those that are accessory to a single-family dwelling unit) shall be permitted within 30 feet of the lot line of triggering property as detailed in 7.2.11 G.

(2) Dumpsters and refuse receptacles shall be located a minimum of 25 feet from the lot line of triggering property as detailed in 7.2.11 G.

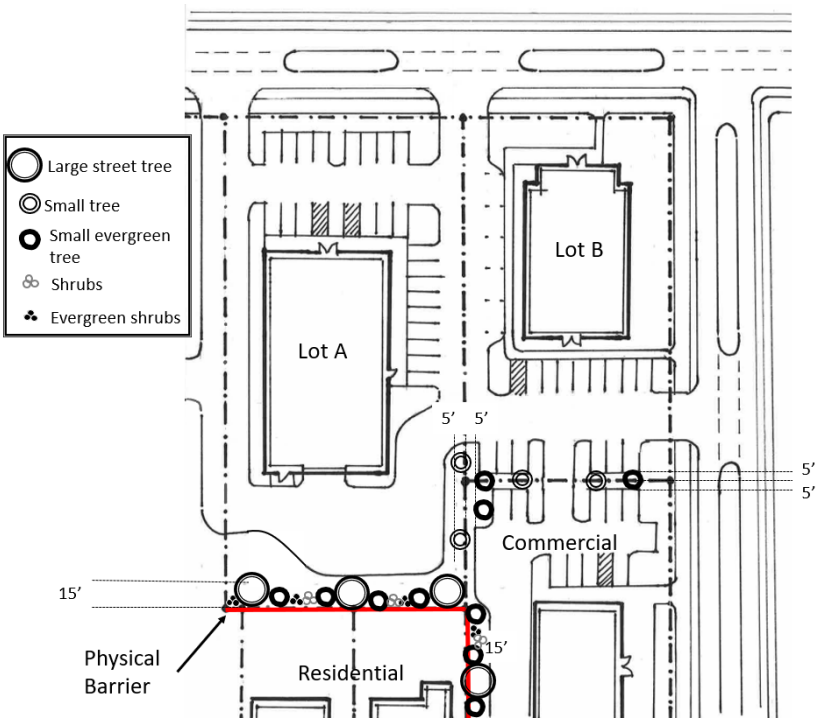
(3) Exterior lighting shall be designed and located to minimize light spilling onto surrounding property.

Perimeter Landscaping

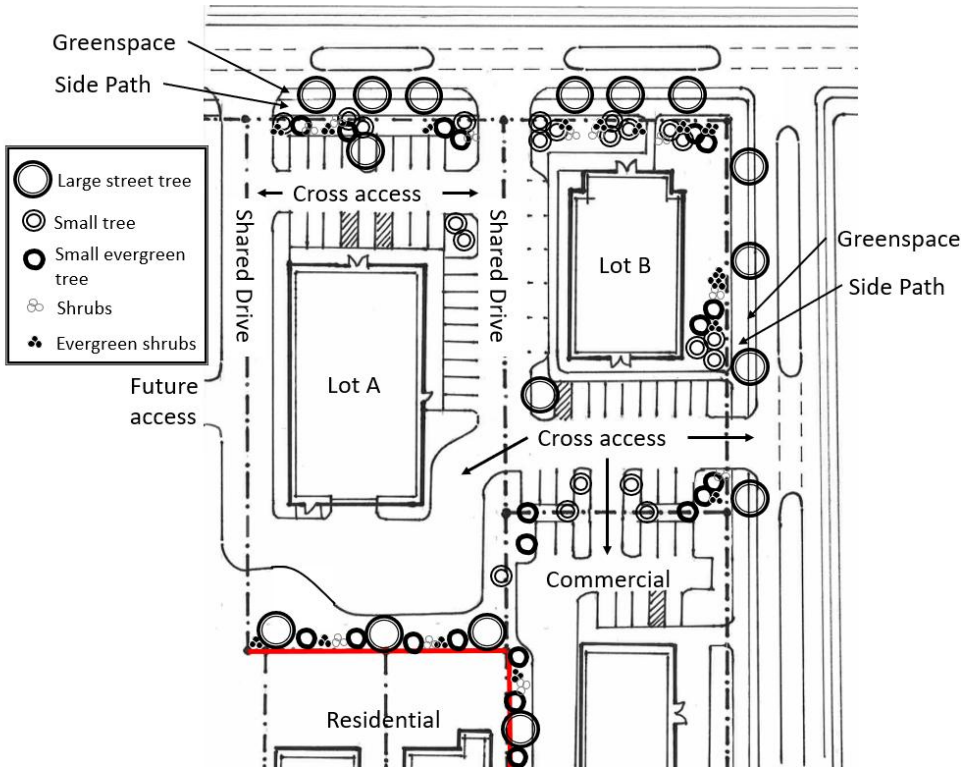
Perimeter Landscaping

- 5' perimeter between commercial uses
  - Does not apply to shared access drives.
  - Is required between parking lots.
  - 1 large tree, or 2 small trees every 50'
  - 60% living material within planting areas required, can include ground cover

- 15' perimeter between commercial (and other more intense uses) and residential uses.
  - Must include physical barrier.
  - Must provide 60% coverage within 2 years.
  - 50% must be evergreen
  - No dumpsters with 25' of residential and must be completely screened with opaque material.



Overall Site



7.2.12. Landscape installation requirements.

All landscaping shall be installed according to sound nursery practices in a manner designed to encourage vigorous growth. All plants shall be nursery grown and adapted to the local area. All

landscape material, both living and non-living, shall be in place prior to issuance of a final certificate of occupancy. A temporary certificate of occupancy may be issued prior to installation of required landscaping if binding, written assurances are submitted, that ensure planting will take place when planting season arrives.

A. Location.

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

(2) Overhead utilities.

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

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

a. If there is a conflict, and no landscaping or trees can be placed because of existing utility lines, and it is not feasible to relocate the existing utilities, the required landscaping or trees may be placed elsewhere on the site as approved by the Administrative Official.

(3) Underground utilities. Landscaping shall be installed at locations that avoid placement directly above water lines. Landscaping shall not be placed where existing private septic systems are located. Where possible, tree plantings shall be located a minimum of five feet from all underground utilities.

a. If there is a conflict, and no landscaping or trees can be placed because of existing utility lines, and it is not feasible to relocate the existing utilities, the required landscaping or trees may be placed elsewhere on the site as approved by the Administrative Official.

(4) Public utilities. Landscaping shall not block access to public utilities, and any landscaping in easements may be removed in the course of servicing said utilities.

(5) Fire hydrants. Landscaping shall not be placed such that, at maturity, the vegetation will be within five feet of a fire hydrant.

(6) Right-of-way. Trees may be placed in the right-of-way per the adopted street sections. Street trees are required within the greenspace between the road and sidewalk.

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

(a) Shrubs. Shrubs planted to satisfy the standards of this section shall be a minimum of three gallons in size and shall be at least two (2) feet in average height when planted.

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

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

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

(e) Use of existing plant material. Trees that exist on a site, prior to its development, may be used in part to satisfy the landscaping standards of this section provided they meet the size, variety, and location requirements of this section. Proper protection of existing trees being preserved to meet this requirement shall be required. The dripline of the existing trees shall be marked with tree protection fencing, and care taken to avoid disturbance of the root system.

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

7.2.13. Tree preservation credits.

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

A. Healthy trees.

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

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

(a) Mechanical injuries to root, trunk, and branches;

(b) Injuries by chemical poisoning;

(c) Injuries by excavation; and

(d) Injuries by paving.

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

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

(a) Total diameter of all preserved trees from 4 to 7.9 inches allows the reduction of one required parking space;

(b) Total diameter of all preserved trees from 8 to 22.9 inches allows the reduction of two required parking spaces;

(c) Total diameter of all preserved trees from 23 to 29.9 inches allows the reduction of three required parking spaces; and

(d) Total diameter of all preserved trees 30 inches and larger allows the reduction of four required parking spaces.

D. Reduction of required trees.

(a) Not to include a reduction to required street trees.

(b) Not to include a reduction to trees intended as a buffer for a residential use, or a marginally compatible use, unless the protected trees are existing within a preserved buffer area.

(c) Preservation and protection of existing trees on the lot may be credited toward the tree planting requirements. Credit for preserved trees shall be permitted at the following rates:

1. Total diameter of the preserved tree from 4 to 7.9 inches allows the reduction of one required large tree;

2. Total diameter of the preserved tree from 8 to 22.9 inches allows the reduction of two required large trees;

3. Total diameter of the preserved tree from 23 to 29.9 inches allows the reduction of three required large trees; and

4. Total diameter of the preserved tree 30 inches or greater allows the reduction of four required large trees.

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

7.2.14. Maintenance and replacement.

A. Trees, shrubs, fences, walls, and other landscape features (which includes screening) depicted on plans approved by the City shall be considered as elements of the project in the same manner as parking, building materials, and other details of the plan are considered elements. The landowner or successors in interest, or agents, if any, shall be jointly and severally responsible for the following:

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

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

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

(4) Any unhealthy or dead plant material used to fulfill the requirements of this ordinance shall be replaced within six (6) months or during the next appropriate planting season.

7.2.15. Alternative methods of compliance.

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

B. Procedure.

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

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

(a) Natural land characteristics or existing vegetation on the proposed development site would achieve the intent of this section;

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

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

(d) The site involves unusually shaped parcels that make full compliance impossible or impractical;

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

(f) Safety considerations require a change; or

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

7.2.16. Recommended trees and shrubs.

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

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

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

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

B. Recommended plant lists.

(1) Large trees.

Common Name	Scientific Name	Not to be Used as a Street Tree
American Beech	Fagus grandifolia	X
American Holly	Ilex Opaca	X
American Hophornbeam	Ostrya virginiana	
Baldcypress	Taxodium distichum	
Bitternut Hickory	Carya cordiformis	
Black Oak	Quercus velutina	
Black Walnut	Juglans nigra	
Bur Oak	Quercus macrocarpa	
Chinese Pistache	Pistacia chinensis	
Chinkapin Oak	Quercus muehlenbergii	
Crape Myrtle	Lagerstroemia indica	
Frontier Elm	Ulmus carpinifolia x parvifolia	
Goldenrain Tree	Koelreuteria paniculate	
Japanese Zelcova	Zelcova serrata	
Jefferson Elm	Ulmus americana 'Jefferson'	
Lacebark Elm	Ulmus parvifolia	
Littleleaf Linden	Tilia cordata	
Northern Red Oak	Quercus rubra	
Osage Orange	Maclura pomifera	X
Pecan	Carya illinoinensis	
Prospector Elm	Ulmus wilsoniana	
River Birch	Betula nigra	X
Shagback Hickory	Carya ovata	
Shingle Oak	Quercus imbricaria	
Shumard Oak	Quercus shumardi	
Silver Linden	Tilia tomentosa	

Southern Magnolia	Magnolia grandiflora	X
Sourthern Red Oak	Quercus falcate	
Sugarberry	Celtus laevigata	
Swamp White Oak	Quercus bicolor	
Sycamore	Platnus occidentalis	
Tuliptree	Liriodendron tulipifera	
Turkish Filbert	Corylus colurna	
Water Oak	Quercus nigra	
White Oak	Quercus alba	
Willow Oak	Quercus phellos	

(2) Small/understory trees.

Common Name	Scientific Name
American Smoketree	Cotinus obovatus
Cherry	Prunus serrulata
Crabapple	Malus species
Crape Myrtle (dwarf)	Lagerstroemia indica (dwarf)
Flowering Dogwood	Cornus florida
Fringe Tree	Chionanthus virginicus
'Little Gem' Magnolia	Magnolia grandiflora 'Little Gem'
Natchez Crapemyrtle	Lagerstroemia indica 'Natchez'
Oklahoma Redbud	Cercis reniformis 'Oklahoma'
Oriental Arborvitae	Platycladus orientalis
Possumhaw	Ilex deciduas
Saucer Magnolia	Magnolia x soulangiana
Serviceberry	Amelanchier arborea
Star Magnolia	Magnolia stellata
Sweet Bay Magnolia	Magnolia virginiana
Yaupon Holly	Ilex vomitoria

(3) Shrubs.

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

SECTION 7.3. VISIBILITY AT INTERSECTIONS-SIGHT TRIANGLE

A. On corner lots at intersecting two-way streets, nothing shall be erected, placed, planted, or allowed to grow in such a manner as to materially impede vision between a height of two feet and ten feet above curb grade within the triangular area formed by an imaginary line that follows street side property lines, and a line connecting them, 25 feet from their point of intersection. This sight triangle standard may be increased by the City in those instances deemed necessary for promoting traffic safety and may be lessened at intersections involving one-way streets.

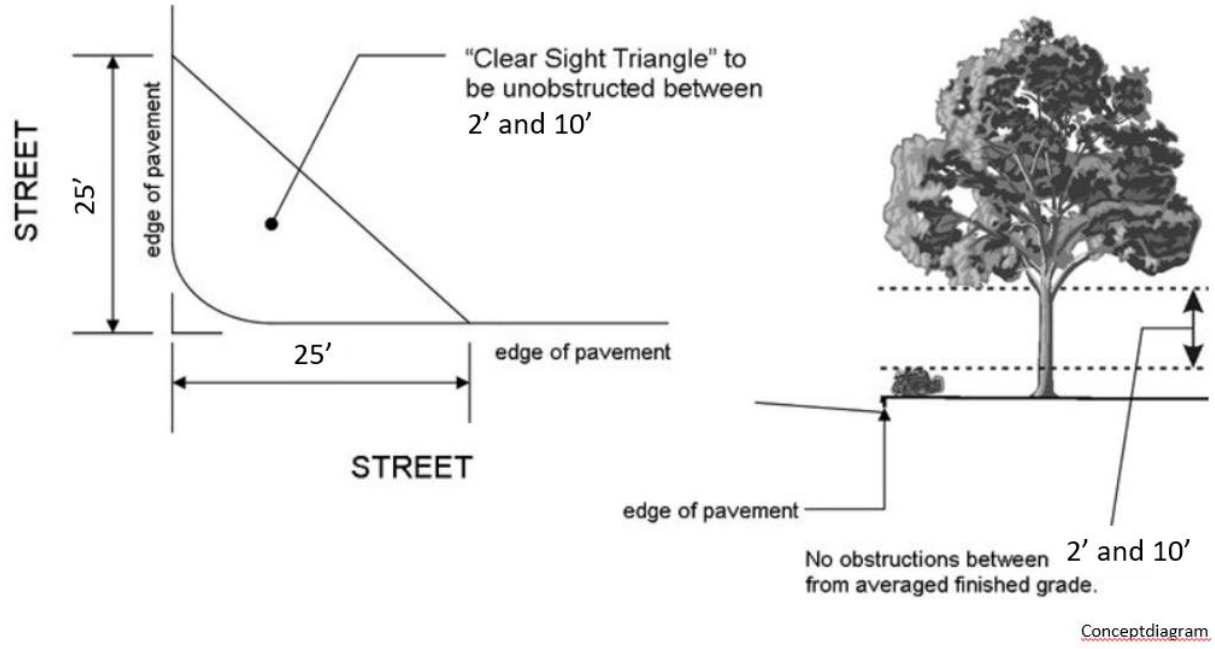


FIGURE 7.3.1: INTERSECTION VISIBILITY

SECTION 7.4. OUTDOOR LIGHTING

(A) Purpose and intent. The regulations for outdoor lighting are intended to:
(1) Reduce light pollution;
(2) Protect drivers, pedestrians, senior citizens, and the visually impaired from the glare of non-vehicular light sources that can impair safe travel;
(3) Minimize urban sky-glow to help protect the scenic view of the night sky;
(4) Protect the privacy of property owners by limiting the potential for glare and light trespass onto neighboring properties;
(5) Promote efficient and cost-effective lighting; and
(6) Allow for flexibility in the style of lighting fixtures.

(B) Applicability. The outdoor lighting regulations apply to:
(1) All new construction, except individual single family and duplex residential uses.
(2) All new outdoor lighting fixture installations, except individual single family and duplex residential uses.
(2) All replacement fixtures, in cases of total replacement.
(3) Outdoor lighting regulations and sign ordinance regulations shall be considered separate and distinct from one another.

(C) Exemptions. The following conditions are exempt from these requirements:
(1) Single and two (2) family residential uses.
(2) Security lights of any wattage that are controlled by a motion-sensor switch and which do not remain on longer than twelve (12) minutes after activation.
(3) The temporary use of low wattage or low voltage lighting for public festivals, celebrations, and the observance of holidays are exempt from regulation except where they create a hazard or nuisance from glare. Where possible, lighting should be cutoff.
(4) Temporary emergency lighting, used by police, firefighting or medical personnel for as long as the emergency exists.
(5) Routine maintenance, including changing the lamp ballast, starter, photo control, fixture housing, lens and other required components.
(6) Airport lighting provided the owner or occupant demonstrates that the Federal Aviation Administration (FAA) regulations can only be met through the use of lighting that does not comply with this chapter.
(7) Neon lights only as permitted by the sign regulations.
(8) Illuminated signs only as permitted by the sign regulations.
(9) The outdoor illumination of digital signs, specifically excluding billboards, in compliance with sign regulations.
(10) Flags displaying national, state, or local governmental bodies. Flags advertising businesses are not exempt from the provisions of this ordinance.
a. Governmental flags should be taken down at sunset to avoid the need for lighting. If flags remain up overnight, they should be lighted. Up-lighting of governmental flags should have a maximum lumen output of 1,300 lumens with a cone of light directed on the flag itself. Down-lighting of flag poles is encouraged.

(D) Accent lighting.
Landscape/facade lights. Landscape and facade lighting fixtures shall be selected, located, aimed and shielded so that direct illumination is focused solely on the building façade, plantings, and other intended site feature, and away from adjoining properties and the public street right-of-way. Down-lighting is encouraged.

(1) Landscape Elements. Accent lighting onto landscaping and foliage may be permitted. All non-cutoff luminaries shall be shielded and directed so that the light distribution is focused toward the functional landscape area being illuminated. All landscape accent fixtures shall be permanently fixed such that they are resistant from tampering or redirection of the light source. Accent lighting shall not be located in such a way as to have the bulb or lamp visible from pedestrian or vehicular egress.

(2) Building Mounted Accent Lighting. Accent lighting which is attached to building facades, structures or other architectural elements may be permitted. All non-cutoff luminaries shall be shielded and directed so that the light distribution is focused toward the functional area being illuminated. Fixtures designed to illuminate the vertical building surface, such as sconces, may be permitted provided that the bulb is shielded with an opaque surface that restricts horizontal light emissions.

(3) Ground Mounted Accent Lighting. Ground mounted accent lighting for buildings, when so approved, shall be directed onto the building. Direct light emissions shall not be visible above the roof line or beyond the building edge. All upward aimed light shall be fully shielded, fully confined from projecting into the sky by eaves, roofs or overhangs, and all fixtures shall be located as close to the building being illuminated as possible. All ground mounted accent fixtures shall be permanently fixed such that they are resistant from tampering or redirection of the light source. Ground mounted spotlights shall not be located in such a way as to have the bulb or lamp visible from a pedestrian or vehicular egress.

(4) Pole Mounted Accent Lighting. Pole mounted accent lighting for a building is not permitted.

(5) Pedestrian walkway lighting 42 inches or less in height above the adjacent walkway grade may be permitted. This includes lighting applications such as bollards, light fixtures located in retaining and landscape walls, and lighting fixtures located on or within structures utilized for pedestrian safety, for example, stairwell lighting.

(6) Neon and Light Emitting Diode (LED) lighting shall be considered accent lighting in this ordinance and is permitted to accent architectural elements of nonresidential structures as long as it meets the following requirements:

a. Neon or LED lighting shall only be used to accent architectural elements of nonresidential structures.
b. Neon or LED lighting used to accent architectural elements shall be mounted or affixed to the structure such that the material behind the lamp or tubing is non-reflective.
c. Neon or LED lighting shall be designed, installed, located, and maintained such that all direct illumination is kept within the boundaries of the fixture owner's property.

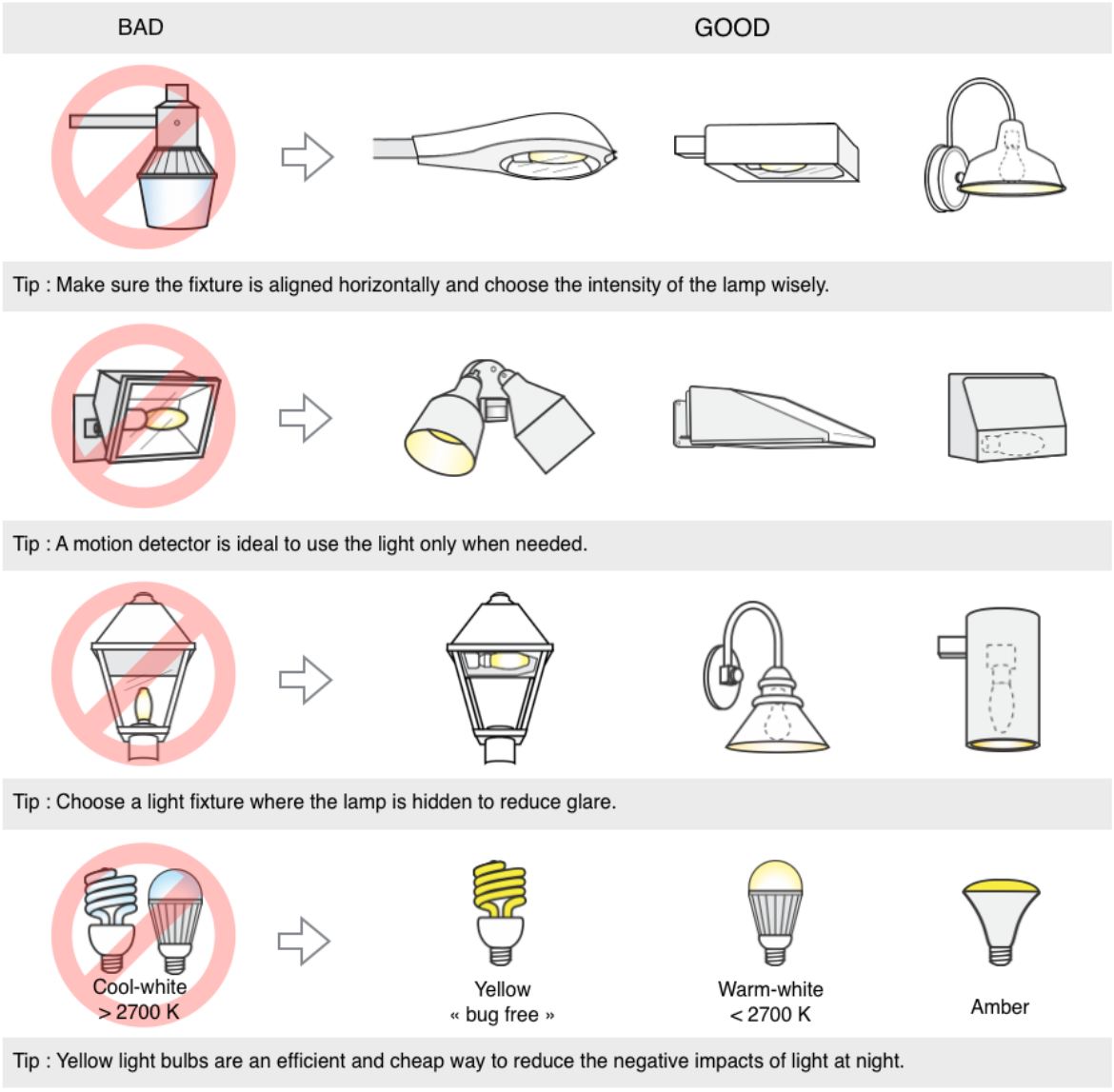
d. Neon or LED used in signs shall be regulated pursuant to the sign ordinance.

e. Neon and LED accent lighting shall be limited to one linear foot of lighting per linear foot of façade being illuminated and shall not exceed a maximum of 75% of the entire buildings linear façade length.

f. Strands of individual, low-intensity, white decorative lights used to illuminate the outdoor patio space of bars and restaurants during their normal business hours.

(E) Prohibitions. The operation of searchlights for advertising purposes is prohibited.

(1) Illumination of attraction devices that flash, blink, fluctuate, or that are animated shall be prohibited.





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(F) APPLICATIONS

Applications for building permits or applications for review by the Planning Commission which include the installation of outdoor lighting fixtures for new construction, shall provide evidence of compliance with the requirements of this ordinance. The submittal shall contain the following information and shall be submitted as part of the site plan to the Planning Department.

(7) Outdoor Lighting Plan

1. Plans indicating the location, type, and height of the luminary including both building and ground mounted fixtures;

2. A description of the luminary, including lamps, poles or other supports and shielding devices, which may be provided as catalogue illustrations from the manufacturer;

3. Photometric data, such as that furnished by the manufacturer; and

4. Any additional information as may be required by the City Planning Department in order to determine compliance with this Ordinance.

(G) Standards.

The following standards shall apply to all outdoor lighting installed after the effective date of this ordinance, which is not exempted above:

1) Cutoff required. All nonexempt outdoor light fixtures with an initial output greater than or equal to 2,000 lumens shall be full cutoff, as defined by IESNA.
2) Installation. All outdoor light fixtures that have cutoff restrictions shall be installed and maintained in such a manner as to be horizontal to the ground so that the cutoff characteristics of the fixture are maintained.
    a. Shielding. Beyond the cutoff requirements above, all light fixtures shall be located, aimed or shielded so as to minimize light trespass across property boundaries. Where applicable, all commercial installations shall utilize house side shielding to minimize light trespass on residential properties.

3) Outdoor lighting shall be hooded, shielded, and aimed downward. Examples of acceptable and unacceptable light pollution control shielding and hooding are shown in the exhibit above. Awnings, canopies, roof structures and other opaque surfaces that are designed to shield the direct horizontal surface of the light source and direct light downward toward the building or other opaque surface may also be considered for compliance with this requirement.
4) The hood or shield shall mask the direct horizontal surface of the light source. The light shall be aimed to insure that the illumination is only pointing downward onto the ground surface.
5) Existing fixtures may be adapted to comply with this ordinance by adding a properly designed hood or shield, or by pointing any upward-mounted, shielded fixture downward onto the ground surface.
6) All outdoor lighting fixtures shall be designed, installed, located and maintained such that all direct illumination is kept within the boundaries of the fixture owner's property.

7) This section may be enforced on the basis of a formal complaint filed in with the Planning Department.

8) Luminaires shall have a B.U.G. rating associated for backlight, up light, and glare. The B.U.G. acronym describes the amount of light emitted from a street luminaire's housing.

9) All lighting shall be within the 3,000K to 4,000K range of color temperatures for uniformity.

10) All lighting shall be 75-80 CRI minimum on the color rendering index (CRI).

11) Sports field lighting shall be designed in accordance with IESNA standards located in IESNA RP 6-01 "Sports and Recreational Area Lighting".

(a) Cutoff exemption. Recreational facilities are exempt from the cutoff requirement above, however, the use of cutoff fixtures is encouraged. The shielding requirement above is applicable to recreational facilities.

(b) Glare control. All outdoor recreational facilities lighting fixtures shall be equipped with a glare control package (louvers, shields, or similar devices). The fixture shall be aimed so that the beams are directed and fall within the primary playing or performance area.

(c) Hours. All activity and lights shall be turned off one hour after the end of the last event.

12) Canopy structures. Canopy lights, such as service station lighting, shall be fully recessed or fully shielded so as to ensure that no light source is visible from or causes glare on public rights-of-way or adjacent properties.

(H) Nonconforming outdoor light fixtures.

(1) All nonconforming outdoor light fixtures lawfully installed prior to and operable on the effective date of this chapter are exempt from all outdoor lighting requirements.

(2) In the event that an outdoor lighting fixture is abandoned or damaged to the point of requiring repairs for safe operation, the repaired or replacement fixture shall comply with the provisions these regulations.

ARTICLE 8 FLOOD DAMAGE PREVENTION CODE

SECTION 8.1. STATUTORY AUTHORITY

The Legislature of the State of Arkansas has in Ark. Code Ann. § 14-268-101 et seq., delegated the responsibility of local governmental units to adopt regulations to minimize flood losses. Therefore, the City Council of Gravette, Arkansas, does hereby ordain as follows:

SECTION 8.2. FINDINGS OF FACT

A. The Federal Emergency Management Agency (FEMA) has identified Special Flood Hazard Areas of Gravette, Arkansas in the current scientific and engineering report entitled “The Flood Insurance Study (FIS) for Benton County," dated June 5, 2012, with an effective Flood Insurance Rate Map (FIRM) dated June 5, 2012.

B. These Special Flood Hazard Areas are subject to periodic flooding events that result in loss of life and property, pose health and safety hazards, disrupt commerce and governmental services, and cause extraordinary public expenditures for flood protection and relief, all of which adversely affect the public health, safety and general welfare.

C. These periodic flooding events are exacerbated by the cumulative effect of floodplain developments which cause an increase in flood heights and velocities, and by the placement of inadequately elevated, inadequately floodproofed or otherwise unprotected structures or uses vulnerable to floods into Special Flood Hazard Areas. Such structures or uses are inherently hazardous to other lands because of their adverse impact on flooding events.

SECTION 8.3. STATEMENT OF PURPOSE

The purpose of this ordinance is to promote the public health, safety and general welfare, to prevent adverse impacts from any floodplain development activities, and to minimize public and private losses due to flooding events in identified Special Flood Hazard Areas. This ordinance advances the stated purpose through provisions designed to:

A. Protect human life and health;

B. Protect natural floodplains against unwise development;

C. Eliminate adverse impacts of necessary floodplain development;

D. Minimize expenditure of public monies on flood control projects;

E. Minimize the need for rescue and relief efforts associated with flooding and generally undertaken at the expense of the general public;

F. Minimize prolonged business interruptions due to flooding events;

G. Minimize damage to public facilities and utilities such as water and gas mains, electric, telephone and sewer lines, streets and bridges located in Special Flood Hazard Areas;

H. Minimize future flood blight areas to help maintain a stable tax base; and

I. Provide for notice to potential buyers when property is in a Special Flood Hazard Area.

SECTION 8.4. LANDS TO WHICH THIS ORDINANCE APPLIES

The ordinance shall apply to all Special Flood Hazard Areas within the jurisdiction of Gravette, Arkansas.

SECTION 8.5. METHODS OF REDUCING FLOOD LOSSES

This ordinance uses the following methods to accomplish the stated purpose:

A. This ordinance restricts or prohibits structures or uses in Special Flood Hazard Areas that adversely impact health, safety or property during flooding events;

B. This ordinance requires protection against flood damage for structures or uses vulnerable to floods at the time of initial construction, or after substantial improvement of the structure, or after substantial damage has occurred;

C. This ordinance controls the alteration of natural floodplains, stream channels and natural protective barriers which are involved in the accommodation and transport of flood waters;

D. This ordinance controls floodplain development (structural development, placement of manufactured structures, clearing, grading, mining, drilling, dredging, placement of fill, excavating, watercourse alteration, drainage improvements, roadway or bridge construction, individual water or sewer installations and other activities) which may increase flood damage by increasing flood elevations, flood water velocities, or flood discharge patterns;

E. This ordinance regulates the construction of flood barriers which unnaturally divert floodwaters or which may adversely impact other lands.

SECTION 8.6. FLOOD DAMAGE PREVENTION CODE

DEFINITIONS

Unless specifically defined below, words or phrases used in this Code have their common usage meaning to give the most reasonable application to this Code.

Additional definitions for floodplain management terms can be found at Part §59.1 of 44 CFR.

44 CFR (Emergency Management and Assistance – National Flood Insurance Program Regulations) Parts 59-75 contain Federal regulations upon which local floodplain managements are based

44 CFR § 65.12 – contains the section of the Federal regulations which involves revision of flood insurance rate maps to reflect base flood elevations caused by proposed encroachments.

"100-year flood" is any flood with a 1% chance of occurring in any given year. The term is misleading, because of its statistical derivation. A "100-year flood" may occur many times in any given 100-year period, or it may not occur at all in 100 years.

"500-year flood" is any flood with a 0.2% chance of occurring in any given year. As with the 100-year flood, this term is also misleading, because of its statistical derivation. A "500-year flood" may occur many times in any given 500-year period, or it may not occur at all in 500 years.

"Accessory Structures" are structures which are on the same parcel of property as the principle structure and the use of which is incidental to the use of the principle structure (such as garages and storage sheds).

"Adverse impact" means any negative or harmful effect.

"AE or A1-30 Risk Zones" are special flood hazard areas where detailed studies have determined base flood elevations. AE has replaced A1-30 in newer flood maps.

"AH Risk Zones" are special flood hazard areas characterized by shallow flooding with ponding effects (where floodwaters accumulate in depressions and linger until absorbed or evaporated).

"AO Risk Zones" are special flood hazard areas characterized by shallow flooding with sheet flow (where floodwaters flow in a broad, shallow sheet rather than through a narrow channel).

"A Risk Zones" are special flood hazard areas without detailed studies, where base flood elevations have not been determined.

"Appeal Board" means a person or persons specifically designated to render decisions on variance applications and floodplain management complaints.

"Automatic" entry and exit of floodwaters means that the water must be able to enter and exit with no intervening action from a person.

"Base flood" is the flood profile used as the basis for the NFIP regulations. The Federal government has selected the 1% chance flood as the base flood.

"*Basement*" is any enclosed area that is below grade on all sides.

"BFE" is the acronym for Base Flood Elevation.

"Buoyancy" is the upward force exerted by water. Buoyancy can cause underground tanks to float free and can lift structures off foundations.

"Certificates of Compliance" are formal documents issued by floodplain administrators certifying that completed projects comply with the requirements of the local Code.

"CFR" is the acronym for the Code of Federal Regulations. The Code of Federal Regulations is the codification of the general and permanent rules published in the Federal Register by the executive departments and agencies of the Federal Government. It is divided into 50 titles that represent broad areas subject to Federal regulation. The Federal regulations pertaining to the national Flood Insurance Program are found in title 44, Emergency Management and Assistance.

"Clearing" is the act of cutting timber or shrubs from an area

"Commercial business park" is typically an area of offices or light industrial usage, although retail, service, or industrial usage is sometimes included in supporting roles. For example, a

commercial business park of office complexes may also include restaurants which service these offices.

"Concrete deadman anchors" are heavy steel rods embedded in buried sections of concrete, used to secure items in place under tension.

"Covenant" is a clause in a contract that requires one party to do, or refrain from doing, certain things. A covenant frequently appears as a restriction that a lender imposes on a borrower.

"Crawlspace" is a type of structural foundation where the space beneath the lowest floor is typically not deep enough to allow a person to stand and not all four walls are below grade.

"Critical Facilities" include: Governmental facilities that are considered essential for the delivery of critical services and crisis management (such as data and communication centers and key governmental complexes); facilities that are essential for the health and welfare of the whole population (such as hospitals, prisons, police and fire stations, emergency operations centers, evacuation shelters and schools); mass transportation facilities (such as airports, bus terminals, train terminals); lifeline utility systems (including potable water, wastewater, oil, natural gas, electric power and communications systems); high potential loss facilities (such as nuclear power plants or military installations); hazardous material facilities (such as industrial facilities housing or manufacturing or disposing of corrosives, explosives, flammable materials, radioactive materials and toxins.

"D Zones" areas in which the flood hazard has not been determined, but may be possible

"Deed restriction" refers to a clause in a deed that limits the future uses of the property in some respect. Deed restrictions may impose a vast variety of limitations and conditions, for example, they may limit the density of buildings, dictate the types of structures that can be erected, prevent buildings from being used for specific purposes or even from being used at all.

"Development" means any man-made change to improved or unimproved real estate. It includes, but not limited to, construction, reconstruction, or placement of a building, or any addition or substantial improvements to a building. "Development" also includes the installation of a manufactured home on a site, preparing a site for a manufactured home, or installing/parking a travel trailer. The installation of utilities, construction of roads, bridges, culverts or similar projects are also "developments." Construction or erection of levees, dams, walls, or fences; drilling, mining, filling, dredging, grading, excavating, paving, or other alterations of the ground surface are "developments." Storage of materials including the placement of gas and liquid storage tanks are "developments," as are channel modifications or any other activity that might change the direction, height, or velocity of flood or surface waters. "Development" will normally not include maintenance of existing drainage ditches, gardening, plowing, planting, harvesting of crops, or similar practices that do not involve filling, grading, or construction of levees.

"Development Permit" refers to the permit required for placing a "development" in the floodplain.

"Easements" are rights or permissions held by one person to make specific, limited use of land owned by another person.

"Elevation Certificate" refers to FEMA form 81-31, which for the purposes of this Code must be properly completed by a Professional Engineer, Surveyor or Architect licensed to practice in the State of Arkansas.

"Erosion" is the process of soil removal by moving water.

"Existing Structure" means, for floodplain management purposes, a structure which is in place before any reconstruction, rehabilitation, addition, or other improvement takes place.

"Existing Manufactured Home Park or Subdivision" means a manufactured home park or subdivision for which the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including, at a minimum, the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads) is completed before the effective date of the floodplain management regulations adopted by a community.

***"Expansion to an Existing Manufactured Home Park or Subdivision"* -** means the preparation of additional sites by the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads).

"Federal Emergency Management Agency", or FEMA, is the Federal agency responsible for administering the National Flood Insurance Program.

"FEMA" is the acronym for the Federal Emergency Management Agency.

"Fill" refers to the placement of natural sand, dirt, soil, rock, concrete, cement, brick or similar material at a specified location to bring the ground surface up to a desired elevation.

"FIRM" is the acronym for Flood Insurance Rate Map.

"Flood Fringe" refers to the portion of the 100-year floodplain which is outside the floodway (See definition of floodway below.)

"Flood Insurance Rate Map" **(or "FIRM")** refers to the official flood map of a community on which FEMA has categorized Special Flood Hazard Areas into risk premium zones.

"Flood Insurance Study" **(or "FIS")** is the official report provided by FEMA. It contains flood profiles, floodway tables, engineering methods, and other descriptive and technical data.

"Floodplain Management" means the operation of an overall program of corrective and preventive measures for reducing flood damage, including but not limited to emergency preparedness plans, flood control works and floodplain management regulations.

"Flooding events" are general or temporary conditions of partial or complete inundation of normally dry land areas from the overflow of inland or tidal waters, or from the unusual and rapid accumulation or runoff of surface waters from any source.

"Floodplain" refers to any land area susceptible to inundation by floodwaters from any source. For the purposes of this Code, floodplain refers to the land area susceptible to being inundated by the base flood.

"Floodplain Administrator" refers to the community official designated in the local Flood Damage Prevention Code as responsible for the Code's administration.

"Floodplain Development Permit" is a permit issued by the local Floodplain Administrator and is required before beginning any development in an area designated as a Special Flood Hazard Area on the community's FIRM.

"Floodproofing" is a combination of structural and nonstructural additions, changes, or adjustments to structures that reduce or eliminate the risk of flood damage.

"Floodproofing Certificate" refers to FEMA form 81-65, which for the purposes of this Code must be properly completed by a Professional Engineer or Architect licensed to practice in the State of Arkansas.

"Floodway" **or** ***"Regulatory Floodway"*** refers to a stream channel and the land to either side of the stream channel that must remain undeveloped and open in order to allow floodwaters to pass without increasing the base flood elevation more than a designated height. For the purposes of this Code, the height is one foot (1 ft.). Severe restrictions or prohibitions are imposed on development within the floodway.

"Flow-through openings" are openings specifically designed to allow floodwaters to flow into and out of enclosed spaces, minimizing the danger of foundation or wall collapse from lateral hydrostatic pressure.

"Functionally dependent use" means a use which cannot perform its intended purpose unless it is located or carried out in close proximity to water. The term includes only docking facilities, port facilities that are necessary for the loading and unloading of cargo or passengers, and ship building and ship repair facilities, but does not include long-term storage or related manufacturing facilities.

"Grade" means the surface of the ground.

"Grading" means to smooth the surface of the ground, typically with heavy construction equipment.

"Highest Adjacent Grade" (HAG) means the highest natural elevation of the ground surface prior to construction next to the proposed walls of a structure.

"Historical Structure" means any structure that is:

1. Listed individually in the National Register of Historic Places (a listing maintained by the Department of Interior) or preliminarily determined by the Secretary of the Interior as meeting the requirements for individual listing on the National Register;
2. Certified or preliminarily determined by the Secretary of the Interior as contributing to the historical significance of a registered historic district or a district preliminarily determined by the Secretary to qualify as a registered historic district;
3. Individually listed on a state inventory of historic places in states with historic preservation programs which have been approved by the Secretary of the Interior; or

4. Individually listed on a local inventory or historic places in communities with historic preservation programs that have been certified either:
   (a) By an approved state program as determined by the Secretary of the Interior or;
   (b) Directly by the Secretary of the Interior in states without approved programs.

"Hydrodynamic forces" are the forces and stresses associated with moving water, including impacts from objects carried in the water.

"Hydrostatic flood forces" are the forces and stresses associated with standing floodwaters.

"Lacustrine Flooding" is flooding associated with a lake.

"Lateral forces" are the horizontal hydrostatic forces associated with standing water. Water exerts an equal force in all directions, and as little as three feet of standing water can generate sufficient lateral force to collapse a foundation or wall.

"Lowest floor" refers to the lowest floor of the lowest enclosed area (including Basement). For a typical **slab-on-grade construction**, the lowest floor is the top of the first floor of the structure. For a typical **basement foundation construction**, the elevation of the lowest floor is the top of the basement floor. For a typical **crawlspace foundation construction**, the elevation of the lowest floor is the top of the first floor of the structure. For a typical **split-level construction**, the elevation of the lowest floor is the top of the first living area floor. For a **manufactured home installation**, the elevation of the lowest floor will be the bottom of the lowest I-Beam. The **garage floor** and **crawlspaces** are not the lowest floor as long as there are no living areas in the garage and it is used solely for storage, parking vehicle and entry to the structure, provided that such enclosure is not built so as to render the structure in violation of the applicable non-elevation design requirements of Section 60.3 of the National Flood Insurance regulations.

"Manufacture Homes" or Structures means a structure, transportable in one or more sections, which is built on a permanent chassis and is designed for use with or without a permanent foundation when attached to the required utilities. The term ``manufactured home'' does not include a ``recreational vehicle''.

"Manufactured Home Park or Subdivision" means a parcel (or contiguous parcels) of land subdivided into two or more manufactured home lots for rent or sale.

"*Mean Sea Level*" (MSL) means, for the purposes of the NFIP, the National Geodetic Vertical Datum (NGVD) of 1929 or other datum, to which base flood elevations shown on a community's FIRM are referenced.

"Mixed Use Structures" are structures with both a business and a residential component, but where the area used for business is less than 50% of the total floor area of the structure.

"New Construction" means, for floodplain management purposes, structures for which the "start of construction" commenced on or after the date of a floodplain management regulation adopted by a community and includes any subsequent improvements to such structures.

"New Manufactured Home Park or Subdivision" - means a manufactured home park or subdivision for which the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including at a minimum, the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads) is completed on or after the effective date of floodplain management regulations adopted by a community.

"No Adverse Impact principle" is a principle of restricting or prohibiting land development that does harm or "adversely affects" someone else's property or land.

"Nonresidential Structures" are structures used only for commercial or public purposes, such as businesses, schools, churches, etc.

"No-Rise Certificates" are formal certifications signed and stamped by a Professional Engineer licensed to practice in the State of Arkansas, demonstrating through hydrologic and hydraulic analyses performed in accordance with standard engineering practice that a proposed development will not result in any increase in flood levels within the community during the occurrence of a base flood event.

"Piers" are columns of masonry or other structural material (commonly cement blocks stacked up to support a manufactured home), usually rectangular, used to support other structural members. For the purpose of this ordinance, piers must be permanent in nature.

"Pilings" are steel tubes driven to rock or a suitable soil bearing layer and connected to the foundation of a structure.

"Ponding" is a flooding effect where floodwaters accumulate in shallow depressions and linger until absorbed or evaporated.

"Recreational vehicles" means a vehicle which is:

1. built on a single chassis;
2. 400 square feet or less when measured at the largest horizontal projections;
3. designed to be self-propelled or permanently towable by a light duty truck; and
4. designed primarily not for use as a permanent dwelling but as temporary living quarters for recreational, camping, travel, or seasonal use.

"Risk Zones" categorize special flood hazard areas into groupings by the specific risk of flooding. Zones A, AE or A1-30, AO, and AH are Special Flood Hazard Areas. See "X Risk Zones" in this section.

"Riverine flooding" is flooding associated with a river or stream channel.

"RV" is the acronym for recreational vehicle.

"Screw augers" are any type of anchor that twists into the soil, typically to a depth of 4 feet or more. They are not suitable for securing manufactured homes against floodwaters because saturated grounds often soften and fail to hold the anchor in place.

"Section 404 Wetlands Permit" is a permit required under Section 404 of the Clean Water Act for the discharge of dredged and fill material into any surface water of the United States. The US Army Corps of Engineers issues Section 404 permits.

"SFHA" is the acronym for Special Flood Hazard Area.

"Shallow flooding" means a depth of less than 3 feet.
"Slab anchors" are anchors where the hook of the anchor is wrapped around a horizontal rebar in the slab before the concrete is poured.

"Special flood hazard areas" are geographical areas identified on FEMA flood maps as being at-risk for flooding. The maps further categorize these areas into various flood risk zones A, AE or A1-30, AH, and AO.

"Start of Construction" includes substantial improvement and means the date the building permit was issued, provided the actual start of construction, repair, reconstruction, rehabilitation, addition placement, or other improvement was within 180 days of the permit date. The actual start means either the first placement of permanent construction of a structure on a site, such as the pouring of slab or footings, the installation of piles, the construction of columns, or any work beyond the stage of excavation; or the placement of a manufactured home on a foundation. Permanent construction does not include land preparation, such as clearing, grading and filling; nor does it include the installation of streets and/or walkways; nor does it include excavation for basement, footings, piers or foundations or the erection of temporary forms; nor does it include the installation on the property of accessory buildings, such as garages or sheds not occupied as dwelling units or not part of the main structure. For a substantial improvement, the actual start of construction means the first alteration of any wall, ceiling, floor, or other structural part of a building, whether or not that alteration affects the external dimensions of the building.

"State Coordinating Agency" is the agency that acts as a liaison between FEMA and a community for the purposes of floodplain management. The Arkansas Natural Resources Commission is the State Coordinating Agency for Arkansas.

"Stream channels" are depressed natural pathways through which water of any quantity routinely flows.

"Structural development" is a development that includes the placement or construction of a structure.

"Structure" means for floodplain management purposes, a walled and roofed building, including a gas or liquid storage tank that is principally above ground, as well as a manufactured home.

"Substantial damage" is damage of any origin where the cost to restore a structure to its original undamaged state would equal or exceed 50% of the market value of the structure before any damage occurred. In determining whether substantial damage has occurred, estimators must use standard contractor and materials costs. There are no exceptions for homeowners who make their own repairs or for discounted or free raw materials.

"Substantial improvement" is any reconstruction, remodeling, addition or improvement to a structure with a cost equaling or exceeding 50% of the market value of the structure before any improvement. Improvements to correct identified violations of local health, sanitary or safety

Codes are not substantial improvements, regardless of the cost, as long as they are the minimum improvement necessary to bring the structure up to Code. Alterations to historical structures are also exempted, as long as the improvement does not affect the structure's official status of "historical structure."

"Uses vulnerable to floods" are simply any land or structural uses that may be negatively affected by a flood.

"Variance" is a formal, written permission from the Appeals Board to construct or develop in a way that is inconsistent with the requirements of this Code. The variance only deals with this Code – the Appeals Board has no authority to waive any other governmental requirement, and has no say in the cost of flood insurance.

***"Violation"* -** means the failure of a structure or other development to be fully compliant with the community's floodplain management regulations. A structure or other development without the elevation certificate, other certifications, or other evidence of compliance required in this Code is presumed to be in violation until such time as that documentation is provided.

"Watercourse alteration" refers to any change that occurs within the banks of a watercourse.

"Water Surface Elevation" - means the height, in relation to the National Geodetic Vertical Datum (NGVD) of 1929 (or other datum, where specified), of floods of various magnitudes and frequencies in the floodplains of coastal or riverine areas.

"X Risk Zones" are a special group of insurance risk zones. One type, shown as non-shaded areas on FEMA issued flood maps, indicates a zone where flooding is not expected to occur. The second type, shown as shaded areas of FEMA flood maps, indicates a flood hazard area that is expected to be affected by the 500-year flood, but not by the 100-year base flood.

SECTION 8.7. ADMINISTRATION

SECTION A. DESIGNATION OF THE FLOODPLAIN ADMINISTRATOR

The Mayor of Gravette, Arkansas, or his or her designee, is hereby appointed the Floodplain Administrator.

SECTION B. DUTIES & RESPONSIBILITIES OF THE FLOODPLAIN ADMINISTRATOR

It is the duty and responsibility of the Floodplain Administrator or his designee to:

1. **Obtain accreditation each year** as required by A.C.A. §14-268-106 through the State Coordinating Agency, which is the **Arkansas Natural Resources Commission**.
2. **Administer and implement the provisions of this Code** and other appropriate sections of 44 CFR (Emergency Management and Assistance - National Flood Insurance Program Regulations) as they pertain to floodplain management
3. **Review applications for Floodplain Development Permits** to:
   (a) Evaluate proposed projects for reasonable safety from flooding;
   (b) Evaluate proposed projects for conformance with No Adverse Impact principles;
   (c) Ensure that all other permits necessary (including Section 404 Wetlands Permits as required by the Federal Water Pollution Control Act Amendments of 1972, 33 U.S.C. 1334) for proposed projects are obtained from the appropriate government agency prior to issuing a Floodplain Development Permit; and
   (d) Ensure that proposed projects conform to the applicable provisions of this Code.
4. Approve or deny applications for Floodplain Development Permits on the basis of:
   (a) The proposed development's compliance or non-compliance with the provisions of this Code;
   (b) The expected flood elevation, flood water velocity, flood duration, rate of rise and sediment transport of the floodwaters expected at the proposed development site;
   (c) The proposed development's potential to adversely impact life and property by changing flooding patterns, changing erosion rates, or being swept onto other lands by flood waters;
   (d) The proposed development's susceptibility to flood damage;
   (e) The proposed development's compatibility with existing and planned community development;
   (f) The proposed development's accessibility by ordinary and emergency vehicles during flooding events;
   (g) The anticipated costs of providing governmental services to the proposed development during and after flooding events, including maintenance and repair of streets, bridges, facilities and public utilities such as sewer, gas, electrical and water systems;
   (h) The proposed development's functionally dependent use;

(i) The availability of alternative locations, not subject to flooding or erosion damage, for the proposed development; and

(j) The relationship of the proposed use to the comprehensive plan for that area.

5. **Interpret the exact location of the boundaries of Special Flood Hazard Areas** whenever a mapped boundary appears to be different from actual field conditions. (The sole purpose of this interpretation is to determinate the applicability of the provisions of this Code to the proposed project.)
6. **Notify adjacent communities** and the State Coordinating Agency, which is the Arkansas Natural Resources Commission, a minimum of 60 days **prior to any alteration or relocation of a watercourse,** and submit evidence of all such notifications to FEMA.
7. **Ensure that the flood carrying capacity** within an altered or relocated portion of a watercourse is not diminished, and that the alteration or relocation does not adversely impact any other lands.
8. **Obtain, review and reasonably utilize**, whenever the current Flood Insurance Study or current Flood Insurance Rate Map does not provide **base flood elevation data, any base flood elevation data and floodway data** available from any Federal, State or other source. The Floodplain Administrator may obtain such data by requiring the applicant to submit it in conjunction with a Floodplain Development Permit application. (The sole use of this data is the administration of the provisions of this Code.)
9. **Inspect floodplain developments as necessary** to ensure construction is in accordance with the application data that formed the basis for the decision to issue the Floodplain Development Permit.
10. **Issue Certificates of Compliance**.
11. **Maintain all records and documents pertaining to this Code** for public inspection.

SECTION C. ESTABLISHMENT OF DEVELOPMENT PERMIT

A **Floodplain Development Permit is required** for all structural development, placement of manufactured structures, clearing, grading, mining, drilling, dredging, placement of fill, excavating, watercourse alteration, drainage improvements, roadway or bridge construction, individual water or sewer installations or any other development **in a Special Flood Hazard Area to ensure conformance with the provisions of this Code**.

SECTION D. PERMIT PROCEDURES

1. **Application** for a Floodplain Development Permit shall be presented to the Floodplain Administrator on forms furnished by him/her and may include, but not be limited to, plans in duplicate drawn to scale showing the location, dimensions, and elevation of proposed landscape alterations, existing and proposed structures, including the placement of manufactured homes, and the location of the foregoing in relation to areas of special flood hazard.
2. The **documentation** required with each Application for a Floodplain Development Permit, and the specific provisions of this Code applicable to the proposed development, are dependent upon the type of development proposed and the Risk Zone of the proposed development site. Article 3, Section A contains standards for all developments

in all Risk Zones. Article 3, Section B contains standards for specific development types in specific Risk Zones.

3. The decision of the Floodplain Administrator to **approve or deny** issuance of a Floodplain Development Permit is **subject to appeal** to the designated Appeal Board. Within Gravette, Arkansas the designated Appeal Board is the Planning Commission.

SECTION E. PROCEDURES FOR VARIANCE FROM THE REQUIRMENTS OF THIS CODE

1. Applicants must submit petitions for variances directly to the Appeal Board (Section F).
2. Variances may only be issued:
   (a) if showing a good and sufficient cause;
   (b) granting of the variance will not result in any adverse impact upon other lands;
   (c) if granting of the variance will not result in any additional threats to public safety;
   (d) if granting of the variance will not result in extraordinary public expense;
   (e) if granting of the variance does not create a nuisance, cause fraud on or victimization of the public, or conflict with existing laws or ordinances;
   (f) if granting of the variance will not result in increased flood heights or an increase in expected flood velocities;
   (g) if the requested variance is the minimum necessary, considering the flood hazards, to afford the necessary relief; and
   (h) upon determination that the requested variance is necessary to avoid an extraordinary hardship to the applicant.
3. Variances may not be issued for developments inside a regulatory floodway unless
   (a) all requirements of 44 CFR §65.12 are first met; or
   (b) the following requirements are met:
      (1) a No-Rise Certificate signed and sealed by a Professional Engineer licensed to practice in the State of Arkansas is submitted to document that no increase in the base flood elevation would result from granting a variance for the proposed development;
      (2) protective measures are employed to minimize damages during flooding events; and
      (3) the variance does not result in any adverse impact to other lands.
4. Examples of developments for which variance petitions may be appropriate include but are not limited to:
   (a) the new construction of, or substantial improvement to, a structure on a lot of 1/2 acre or less in size that is surrounded by contiguous lots with existing structures constructed below the base flood elevation;
   (b) for the reconstruction, rehabilitation or restoration of an historical structure, provided that:
      (1) the proposed repair or rehabilitation will not preclude the structure's continued designation as a historic structure; and

(2) the variance is the minimum necessary to preserve the historic character and design of the structure.

(c) the new construction of, substantial improvement to, or other development necessary to conduct a functionally dependent use, provided that:

(1) the criteria outlined in Article 2, Section E, (3) and (4) and Article 2, Section F are met, and

(2) the structure or other development is protected by methods that minimize flood damages during the base flood and create no additional threats to public safety.

SECTION F. APPEAL BOARD

1. Within Gravette, Arkansas, the Planning Commission is the designated Appeal Board.
2. The Appeal Board will consider an appeal only with allegations of an error in any requirement, decision, or determination made by the Floodplain Administrator in the enforcement or administration of this Code.
3. Upon consideration of the factors noted in Article 2, Sections E and F, and the intent of this ordinance, the Appeal Board may attach such conditions to the granting of variances as it deems necessary to further the purpose and objectives of this ordinance.
4. Appeal Board decisions are binding only upon the requirements of this Code, and have no bearing on the decision of any lending institution to require the purchase of flood insurance or on the rate determination of such insurance.
5. Any time the Appeal Board issues a variance, it must provide the applicant with a formal written warning of an increased risk of flood damage due to removal of restrictions designed to lessen such risks. The notice must also warn of a corresponding increase in the cost of flood insurance, since the cost of such insurance will be commensurate with the increased risk.
6. Aggrieved parties may appeal any decision of the Appeal Board to a court of competent jurisdiction.

SECTION 8.8. PROVISIONS FOR FLOOD HAZARD REDUCTION

SECTION A. GENERAL STANDARDS

The following standards apply to all developments in Special Flood Hazard Areas, regardless of the type of proposed development or the Risk Zone of the proposed site.

1. **All new construction or substantial improvements** shall be **designed (or modified) and adequately anchored** to prevent flotation, collapse or lateral movement of the structure resulting form hydrodynamic and hydrostatic loads, including the effects of buoyancy;
2. All new construction or substantial improvements shall be constructed by methods and practices that minimize flood damage;
3. All new construction or substantial improvements shall be constructed with materials resistant to flood damage;
4. All **critical facilities** constructed or substantially improved in Special Flood Hazard Areas (SFHA) must be constructed or modified to **exceed 500-year flood protection** standards **or located outside the SFHA**.
5. The placement or construction of all new structures must be in full compliance with the provisions of this Code
6. For the purposes of this Code, all mixed-use structures are subject to the more stringent requirements of residential structures.
7. **A substantial improvement or substantial damage** to an existing structure **triggers a requirement to bring the entire structure into full compliance** with the provisions of this Code. The existing structure, as well as any reconstruction, rehabilitation, addition, or other improvement, must meet the standards of new construction in this Code.
8. Any improvement to an existing structure that is less than a substantial improvement requires the improvement, but not the existing structure, to be in full compliance with the provisions of this Code.
9. **All manufactured homes** to be placed within a Special Flood Hazard Area on a community's FIRM shall be **installed using methods and practices which minimize flood damage**. For the purposes of this requirement, manufactured homes must be elevated and anchored to resist flotation, collapse, or lateral movement. Methods of anchoring may include, but are not limited to, use of over-the-top or frame ties to ground anchors. This requirement is in addition to applicable State and local anchoring requirements for resisting wind forces. Screw augers or expanding anchors will not satisfy the requirement of this provision.
10. The design or location of **electrical, heating, ventilation, plumbing, and air conditioning equipment for new structures**, or for any improvements to an existing structure, must prevent water from entering or accumulating within the components during base flood events.
11. The design of **all new and replacement water supply systems** must minimize or eliminate infiltration of floodwaters into the system during base flood events.

12. The design of **all new and replacement sanitary sewage** systems must minimize or eliminate infiltration of floodwaters into the system during flooding events, and must prevent sewage discharge from the systems into floodwaters.
13. The placement of **on-site waste disposal systems** must avoid impairment to, or contamination from, the disposal system during base flood events.
14. Construction of basement foundations in any Special Flood Hazard Area is prohibited.
15. New construction and substantial improvements, with **fully enclosed areas (such as garages and crawlspaces)** below the lowest floor that are usable solely for parking of vehicles, building access or storage in an area other than a basement and which are below the base flood elevation shall be designed to automatically equalize hydrostatic flood forces on exterior walls by allowing for the entry and exit of floodwaters. Designs for meeting this requirement must either be certified by a registered professional engineer or architect or meet or exceed the following minimum criteria:
    (a) A minimum of two openings on separate walls having a total net area of not less than 1 square inch for every square foot of enclosed area subject to flooding shall be provided.
    (b) The bottom of all openings shall be no higher than 1 foot above grade.
    (c) Openings may be equipped with screens, louvers, valves, or other coverings or devices provided that they permit the automatic entry and exit of floodwaters.
16. The placement of **recreational vehicles (RV)** in Special Flood Hazard Areas must either
    (a) be temporary, as demonstrated by the RV being fully licensed, being on wheels or a jacking system, attached to the site only by quick disconnect type utilities and security devices, having no permanently attached additions, and being immobile for no more than 180 consecutive days; or else
    (b) meet all provisions of this Code applicable to manufactured home structures.
17. All proposals for the development of a residential subdivision, commercial business park or manufactured home park/subdivision must have public utilities and facilities such as sewer, gas, electrical and water systems located and constructed to minimize or eliminate flood damage.
18. All proposals for the development of a **residential subdivision, commercial business park or a manufactured home park/subdivision** must include an adequate **drainage plan** to reduce exposure to flood hazards.
19. All proposals for the development of a **commercial business park or a manufactured home park/subdivision** must include an adequate **evacuation plan** for the escape of citizens from affected nonresidential structures during flooding events.

SECTION B. RISK ZONE SPECIFIC STANDARDS

In addition to the General Standards, the following standards apply to specific development types in specific Risk Zones. Risk Zones listed in this Code that do not appear on the current FIRM are not applicable.

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1. In AE or A1-30 Risk Zones:
Special Flood Hazard Areas with base floods determined

(a) For Residential Structures in Zone AE or A1-30:

(1) For all new residential structures, the top surface of the lowest floor must have an elevation 2 feet or more above the published BFE. This elevation must be documented on an Elevation Certificate properly completed by a Professional Engineer, Surveyor or Architect licensed to practice in the State of Arkansas.

(2) For all substantial improvements or substantial damage to existing residential structures, the entire structure becomes subject to the requirements of a new residential structure.

(3) For any reconstruction, rehabilitation, addition, or other improvement to an existing residential structure that is less than a substantial improvement, only the improved area, but not the entire structure, becomes subject to the requirements of a new residential structure.

(b) For Nonresidential Structures in Zone AE or A1-30:

(1) All new commercial, industrial or other nonresidential structures must either:

a) have the lowest floor (including basement) elevated 2 feet or more above the base flood level or

b) be floodproofed such that, together with attendant utility and sanitary facilities, be designed so that below an elevation of 3 feet above the base flood level the structure is watertight with walls substantially impermeable to the passage of water and with structural components having the capability of resisting hydrostatic and hydrodynamic loads and effects of buoyancy.

c) A registered professional engineer or architect shall develop and/or review structural design, specifications, and plans for the construction, and shall certify on a Floodproofing Certificate that the design and methods of construction are in accordance with accepted standards of practice as outlined in this subsection. A record of such certification which includes the specific elevation (in relation to mean sea level) to which such structures are floodproofed shall be maintained by the Floodplain Administrator.

(2) For all substantial improvements or substantial damage to existing commercial, industrial or other nonresidential structures the entire structure becomes subject to the requirements of a new nonresidential structure.

(3) For any reconstruction, rehabilitation, addition, or other improvement to an existing nonresidential structure that is less than a substantial improvement, only the improved area, but not the entire structure, becomes subject to the requirements of a new nonresidential structure.

(c) For Manufactured Homes in Zone AE or A1-30:

(1) All manufactured homes that are placed or substantially improved on sites:

a) outside of a manufactured home park or subdivision,

b) in a new manufactured home park or subdivision,

c) in an expansion to an existing manufactured home park or subdivision, or

d) in an existing manufactured home park or subdivision on which a manufactured home has incurred "substantial damage" as a result of a flood, be elevated on a permanent foundation such that the lowest floor of the manufactured home is elevated 2 feet or more above the base flood elevation and be securely anchored to an adequately anchored foundation system to resist flotation, collapse, and lateral movement.

(2) Require that manufactured homes be placed or substantially improved on sites in an existing manufactured home park or subdivision on the community's FIRM that are not subject to the provisions of paragraph (1.) of this section be elevated so that either:

a) the lowest floor of the manufactured home is 2 feet or more above the base flood elevation, or

b) the manufactured home chassis is supported by reinforced piers or other foundation elements of at least equivalent strength that are no less than 36 inches in height above grade and be securely anchored to an adequately anchored foundation system to resist flotation, collapse, and lateral movement.

(3) For all substantial improvements or substantial damage to existing manufactured home, the entire structure becomes subject to the requirements of a new manufactured home.

(4) For any reconstruction, rehabilitation, addition, or other improvement to an existing manufactured home that is less than a substantial improvement, only the improved area, but not the entire structure, becomes subject to the requirements of a new manufactured home.

(d) **When a regulatory floodway has not been designated**, the Floodplain Administrator must require that no new construction, substantial improvements, or other development (including fill) shall be permitted within Zones A1-30 and AE on the community's FIRM, unless it is demonstrated that the cumulative effect of the proposed development, when combined with all other existing and anticipated development, will not increase the water surface elevation of the base flood more than one foot at any point within the community.

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2. <u>Floodways:</u>
High risk areas of stream channel and adjacent floodplain

(a) **Developments** in regulatory floodways are **prohibited, <u>unless</u>**

(1) A **No-Rise Certificate**, signed and stamped by a Professional Engineer licensed to practice in the State of Arkansas, is submitted to demonstrate through

hydrologic and hydraulic analyses performed in accordance with standard engineering practice that the proposed development would not result in any increase in flood levels within the community during the occurrence of a base flood event; or

(2) All requirements of 44 CFR §65.12 are first met.

(b) **No Manufactured Home may be placed in a regulatory floodway**, regardless of elevation height, anchoring methods, or No-Rise Certification.

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3. <u>In AH or AO Risk Zones:</u>
Special Flood Hazard Areas of shallow flooding

(a) For Residential Structures in Zones AH or AO:

(1) All new residential structures must be constructed with the top surface of the lowest floor elevated 2 feet or more above the published BFE, or 2 feet or more above the highest adjacent grade in addition to the depth number specified (at least 2 feet if no depth number is specified) on the community's FIRM. This elevation must be documented on an Elevation Certificate properly completed by a Professional Engineer, Surveyor or Architect licensed to practice in the State of Arkansas.

(2) For all substantial improvements or substantial damage to existing residential structures the entire structure becomes subject to the requirements of a new residential structure.

(3) For any reconstruction, rehabilitation, addition, or other improvement to an existing residential structure that is less than a substantial improvement, only the improved area, but not the entire structure, becomes subject to the requirements of a new residential structure

(b) For Nonresidential Structures in Zones AH or AO:

(1) All new commercial, industrial or other nonresidential structure must either:

a) have the top surface of the lowest floor elevated 2 feet or more above the published BFE, or 2 feet or more above the highest adjacent grade in addition to the depth number specified (at least 2 feet if no depth number is specified) on the community's FIRM, with documentation on an Elevation Certificate properly completed by a Professional Engineer, Surveyor or Architect licensed to practice in the State of Arkansas; or

b) be floodproofed such that the structure, together with attendant utility and sanitary facilities be designed so that below 3 feet or more above the published BFE in Zone AH, or 3 feet or more above the base specified flood depth in an AO Zone, the structure is watertight with walls substantially impermeable to the passage of water and with structural components having the capability of resisting hydrostatic and hydrodynamic loads of effects of buoyancy.

(2) For all substantial improvements or substantial damage to existing commercial, industrial or other nonresidential structures the entire structure becomes subject to the requirements of a new nonresidential structure.

(3) For any reconstruction, rehabilitation, addition, or other improvement to an existing nonresidential structure that is less than a substantial improvement, only the improved area, but not the entire structure, becomes subject to the requirements of a new nonresidential structure.

(c) For Manufactured Homes in Zones AH or AO:

(1) All manufactured homes that are placed or substantially improved on sites:

1) outside of a manufactured home park or subdivision,

2) in a new manufactured home park or subdivision,

3) in an expansion to an existing manufactured home park or subdivision, or

4) in an existing manufactured home park or subdivision on which a manufactured home has incurred "substantial damage" as a result of a flood, be elevated on a permanent foundation such that the lowest floor of the manufactured home is elevated 2 feet or more above the published BFE, or 2 feet or more above the highest adjacent grade in addition to the depth number specified (at least 2 feet if no depth number is specified) on the community's FIRM, and be securely anchored to an adequately anchored foundation system to resist flotation, collapse, and lateral movement.

(2) Require that manufactured homes be placed or substantially improved on sites in an existing manufactured home park or subdivision on the community's FIRM that are not subject to the provisions of paragraph 1. of this section be elevated so that either:

a) the lowest floor of the manufactured home meets the elevation standard of paragraph 1., or

b) the manufactured home chassis is supported by reinforced piers or other foundation elements of at least equivalent strength that are no less than 36 inches in height above grade and be securely anchored to an adequately anchored foundation system to resist flotation, collapse, and lateral movement.

(3) For all substantial improvements or substantial damage to existing manufactured home, the entire structure becomes subject to the requirements of a new manufactured home.

(4) For any reconstruction, rehabilitation, addition, or other improvement to an existing manufactured home that is less than a substantial improvement, only the improved area, but not the entire structure, becomes subject to the requirements of a new manufactured home.

(d) **Where FEMA has not established a regulatory floodway in Zone in Zones AH or AO**, no Floodplain Development Permit may be issued unless a detailed engineering analysis is submitted along with the application that demonstrates the increase in base floodwater elevation due to the proposed development and all cumulative developments since the publication of the current FIRM will be less than 1 foot.

(e) **Require adequate drainage paths** around structures on slopes, to guide flood waters around and away from proposed structures.

4. In "A" Risk Zones:
Special Flood Hazard Areas with no base flood elevations determined

(a) **In Zone A, The applicant or the applicant's agent must determine a base flood elevation prior to construction**. The BFE will be based on a source or method approved by the local Floodplain Administrator.

(b) For Residential Structures in Zone A:

(1) For all new residential structures, the top surface of the lowest floor must have an elevation 2 feet or more above the BFE. This elevation must be documented on an Elevation Certificate properly completed by a Professional Engineer, Surveyor or Architect licensed to practice in the State of Arkansas.

(2) For all substantial improvements or substantial damage to existing residential structures, the entire structure becomes subject to the requirements of a new residential structure.

(3) For any reconstruction, rehabilitation, addition, or other improvement to an existing residential structure that is less than a substantial improvement, only the improved area, but not the entire structure, becomes subject to the requirements of a new residential structure.

(c) For Nonresidential Structures in Zone A:

(1) All new commercial, industrial or other nonresidential structures must either:

a) have the lowest floor (including basement) elevated 2 feet or more above the base flood level or

b) be floodproofed such that, together with attendant utility and sanitary facilities, be designed so that below an elevation of 3 feet above the base flood level, the structure is watertight with walls substantially impermeable to the passage of water and with structural components having the capability of resisting hydrostatic and hydrodynamic loads and effects of buoyancy.

c) A registered professional engineer or architect shall develop and/or review structural design, specifications, and plans for the construction, and shall certify on a Floodproofing Certificate that the design and methods of construction are in accordance with accepted standards of practice as outlined in this subsection. A record of such certification which includes the specific elevation (in relation to mean sea level) to which such structures are floodproofed shall be maintained by the Floodplain Administrator.

(2) For all substantial improvements or substantial damage to existing commercial, industrial or other nonresidential structures the entire structure becomes subject to the requirements of a new nonresidential structure.

(3) For any reconstruction, rehabilitation, addition, or other improvement to an existing nonresidential structure that is less than a substantial improvement, only the improved area, but not the entire structure, becomes subject to the requirements of a new nonresidential structure.

(d) For Manufactured Homes in Zone A:

(1) All manufactured homes that are placed or substantially improved on sites:

a) outside of a manufactured home park or subdivision,

b) in a new manufactured home park or subdivision,

c) in an expansion to an existing manufactured home park or subdivision, or

d) in an existing manufactured home park or subdivision on which a manufactured home has incurred "substantial damage" as a result of a flood, be elevated on a permanent foundation such that the lowest floor of the manufactured home is elevated 2 feet or more above the base flood elevation and be securely anchored to an adequately anchored foundation system to resist flotation, collapse, and lateral movement.

(2) Require that manufactured homes be placed or substantially improved on sites in an existing manufactured home park or subdivision on the community's FIRM that are not subject to the provisions of paragraph (1.) of this section be elevated so that either:

a) the lowest floor of the manufactured home is 2 feet or more above the base flood elevation, or

b) the manufactured home chassis is supported by reinforced piers or other foundation elements of at least equivalent strength that are no less than 36 inches in height above grade and be securely anchored to an adequately anchored foundation system to resist flotation, collapse, and lateral movement.

(3) For all substantial improvements or substantial damage to existing manufactured home, the entire structure becomes subject to the requirements of a new manufactured home.

(4) For any reconstruction, rehabilitation, addition, or other improvement to an existing manufactured home that is less than a substantial improvement, only the improved area, but not the entire structure, becomes subject to the requirements of a new manufactured home.

(e) **For subdivision proposals and other proposed development including the placement of manufactured home parks and subdivisions which is greater than 50 lots or 5 acres, whichever is lesser**:

(1) Generate base flood elevation data and a regulatory floodway, utilizing accepted engineering practices, if not otherwise provided.

(2) For all residential structures included within the proposed development, comply with the requirements outlined in Section B.4.(b) of this Code.

(3) For all non-residential structures included within the proposed development, comply with the requirements outlined in Section B.4.(c) of this Code.

(4) For all manufactured homes included within the proposed development, comply with the requirements outlined in Section B.4.(d) of this Code.

ARTICLE 9 TELECOMMUNICATIONS1

SECTION 9.1. ARTICLE I. IN GENERAL

SECTION 9.2. WIRELESS COMMUNICATIONS TOWERS

9.2.1. 9.2.1. GENERALLY

(A) Purpose. The purpose of these guidelines is to:

(1) Minimize adverse effects and impact of wireless communications facilities through careful and thoughtful design, siting, and screening;
(2) Conserve the value of adjacent land and buildings and avoid potential damage to adjacent properties;
(3) Preserve and protect public safety;
(4) Preserve the character and aesthetics of areas near wireless communications facilities;
(5) Provide a range of locations for wireless communications facilities while encouraging the location of wireless communication facilities on existing structures;
(6) Maximize the use of existing towers to reduce and minimize the number of new towers needed;
(7) Control the type of wireless communication support structures, including towers, that are constructed;
(8) Establish a reasonable permitting procedure for wireless communication facilities; and
(9) Extend high quality wireless communication services to the city.

9.2.2. Definitions.

The following words, terms, and phrases, when used in this section, shall have the meanings ascribed to them in this subsection, except where the context clearly indicates a different meaning:

(A) Alternative cellular antenna tower.

(1)The term "alternative cellular antenna tower" means manmade trees, clock towers, bell towers, steeples, light poles and similar alternative-design mounting structures that accommodate, camouflage, minimize or conceal the presence of cellular antennas or cellular antenna towers that are constructed primarily for the purpose of accommodating cellular antennas or cellular antenna towers or are reconstructed for the purpose of accommodating cellular antennas or cellular antenna towers.
(2)The term "alternative cellular antenna tower" does not include existing structures erected for another primary purpose, but which subsequently have cellular antennas attached to or located within them, without any reconstruction of the original structure.
(3)For the purpose of these regulations, an alternative cellular antenna tower is considered a cellular antenna tower.

(B) Antennas, antenna array, or related equipment means transmitting, receiving, or other equipment used to support cellular telecommunications service or

personal communications service. The term "antennas, antenna array, or related equipment" does not include the support structure.

(C) Attached wireless communication facility means an antenna that is attached to an existing building or structure such as utility poles, signs, water towers, rooftops, towers with any accompanying pole or device which anchor the antenna to the existing building or structure attachment structure along with associated connection cables and an equipment facility which may be located either inside or outside the existing building or structure.

(D) Cellular antenna tower means a tower constructed or an existing facility that has been adapted for the location of transmission or related equipment to be used in the provision of cellular telecommunications services or personal communications services.

(E) Cellular telecommunications service means a retail telecommunications service that uses radio signals transmitted through cell sites and mobile switching stations.

(F) Collocation or site sharing means locating two or more transmission antennas or related equipment by more than one wireless communication license holder on the same cellular antenna tower, or by one wireless license holder for more than one type of communications technology and/or placement of an antenna on a structure owned or operated by a utility or other public entity.

(G) Equipment compound means that portion of a wireless communication facility or an attached wireless communication facility that may contain a support structure and/or equipment facilities and is completely enclosed by security fencing.

(H) Equipment facility means any structure used to contain ancillary equipment for a wireless communication facility and may include cabinets, shelter, and a build-out of an existing structure, pedestals, and other similar structures.

(I) Guyed cellular antenna tower means a type of wireless transmission tower that is supported by thin guy-wires.

(J) Height means the vertical distance measured from the base of a tower or other support structure to the highest point on the wireless communication facility, including the antenna array and other attachments.

(K) Lattice cellular antenna tower means a self-supporting tower with multiple legs and cross bracing of structural steel.

(L) Monopole cellular antenna tower means a slender self-supporting tower on which wireless antennas can be placed.

(M) Personal communications service has the meaning as defined in 47 USC 332(c).

(N) Setback means the required distance from the property line of the parcel of land, on which the wireless communication facility is located to the base of the support structure and equipment shelter or cabinet; or, in the case of guy-wire supports, the guy anchors.

(O) Stealth technology means the technique or process of disguising wireless communication facilities to fit into the natural or urban landscape.

(P) Support structure means a structure designed and constructed specifically to support an antenna support structure and shall include a monopole, lattice tower, guy-wire support tower and other similar structures. Any attachment device used to anchor an attached structure shall be excluded from the definition and regulations applicable to support structures.

(Q) Temporary wireless communication facility means a wireless communication facility to be placed in use for 90 days or less.

(R) Uniform application means an application to construct a cellular antenna tower submitted to the city planning commission in conformity with the requirements of this article.
(S) Wireless communication facility or wireless facility means any un-staffed wireless facility used for the transmission and/or reception of wireless telecommunication services, usually consisting of an antenna, connection cables, an equipment facility, and, if appropriate, a support structure to achieve the necessary elevation.
(T) Wireless communications means any personal wireless service as defined in the Telecommunications Act of 1996 (FTA) that includes FCC licensed commercial wireless telecommunications services, including cellular, personal communication services (PCS), specialized mobile radio (AMR), enhanced specialized mobile radio (ESMR), paging, and similar services that currently exist.

9.2.3. Jurisdiction and application.

(a) This policy applies to all lands within the corporate limits of the city and the surrounding areas designated on the most recent planning jurisdiction map adopted by the city council. If any provision of this chapter conflicts with a provision of federal or state law, the provision of federal or state law shall control.

(b) An antenna and tower for the following uses are exempt from this policy and are permitted uses in any district if accessory to a permitted use and if they comply with the applicable regulations of the district in which they are situated, and if the antenna or tower is less than 30 feet in height:

1. Ham radios;
2. Citizen band radios; and
3. Radio, television receiving, and broadcasting.

(c) If any exempt use as identified in subsection (b) of this section exceeds 30 feet in height, then the rules and guidelines of these regulations shall apply.

SECTION 9.3. SECTION 9.3 STANDARDS

9.3.1 Conditional use permit and building permit.

No person shall install or construct any wireless facility unless and until a conditional use permit and building permit have been issued pursuant to the requirements of this policy.

9.3.2 Location.

(a) Attached wireless facilities are allowed as a permitted use, a use by right, in all zone districts. Any wireless facility located or proposed to be located in airport areas, including approach zones, governed by the FAA shall comply with the provisions of all applicable local, state, and federal airport regulations.

(b) Support structures shall be allowed in the zone districts as follows:

1. Agricultural: Stealth, monopole, lattice, lattice with guy.
2. Residential: Stealth.
3. Multifamily: Stealth.
4. Commercial: Stealth, monopole, lattice, lattice with guy.
5. Industrial: Stealth, monopole, lattice.

(c) Locations for wireless communications facilities are listed below in order of preference:

1. Antenna attachments onto an existing support structure including collocation with other wireless facilities.
2. Attached wireless facilities.
3. Location within an industrial zone district (I-1).
4. Location within an agricultural district (A-1).
5. Location within a commercial district (C-2, C-6).
6. Location within a specialized commercial district (C-1, C-3, C-4, C-5).
7. Location within a medium—high-density residential district (R-3, R-4, R-5, R-O).
8. Location within a low-density residential district (R-1, R-2).

9.3.3 Design standards.

The applicant shall provide information demonstrating compliance with the requirements contained herein. Where the planning commission finds that circumstances or conditions relating to the particular application are such that one or more of the requirements listed below are not necessary or desirable for the protection of the surrounding property or the public health, safety, and general welfare, and that such special conditions or circumstances make one or more of the requirements unreasonable, the planning commission, or its duly authorized representative, may modify or waive such requirement, either permanently or on a temporary basis. Any such modification or waiver shall be requested by the applicant, and the applicant shall submit a written justification for each requested modification or waiver. The following design standards shall apply to all wireless facility installations constructed after the effective date of the ordinance from which this article is derived:

1. *Height.* The height of a cellular antenna tower in industrial, agricultural, or commercial districts may not exceed 200 feet, regardless of maximum height requirements listed in the specific zoning district. This also applies to any tower taller than 15 feet constructed on the top of another building or structure, with the height being the overall height of the building/structure and tower together, measured from the grade to the highest point. The planning commission may allow antennas greater than 200 feet in height upon review of the applicant's justification that the additional height meets all other approval criteria. The height of a cellular antenna tower in a residential or multifamily district may not exceed 100 feet, regardless of maximum height requirements listed in the specific zoning district. This also applies to any tower taller than 15 feet constructed on the top of another building or structure, with the height being the overall height of the building/structure and tower together, measured from the grade to the highest point. Alternative cellular antenna towers may be constructed to a maximum height of 90 feet, regardless of maximum height requirements listed in the specific zoning district. The planning commission may allow alternative antennas greater than 90 feet in height if the applicant can prove sufficient special or unusual circumstances to warrant the additional height requested.
2. *Setback standards.* Wireless facilities on existing support structures shall conform to existing setbacks. Wireless communications facilities on new support structures shall be set back a minimum of 50 feet from all property lines, including street rights-of-way. Setbacks for structures constructed in connection with guyed or lattice cellular antenna towers, except fences and/or guy-wires, shall be a minimum distance from the property line or lease line a number of feet equal to the distance stated by the tower manufacturer's registered structural engineer's determination of the maximum possible fall zoned for the tower. The distance shall be no less than 50 feet. The structural engineer must be licensed in the state.

3. *Minimum lot size.* Regardless of the minimum lot sizes listed in the specific zoning district, the lot size may be the minimum necessary to comply with the objectives and standards of this policy. The proposed location must include access to a public right-of-way or accessible parking area. Property improvements may be required prior to issuance of a building permit.
4. *Landscaping.* New construction wireless facilities on new support structures shall have a landscaped area a minimum of ten feet in width around the outside perimeter of the security fence and shall be planted with the following materials, except when existing vegetation on a wireless facility site is used in lieu of required landscaping and approved by the planning department:

a. One row of evergreen trees with a minimum caliper of 1.75 inches installed with a maximum spacing of 25 feet between trees.

b. Evergreen shrubs capable of creating a continuous hedge and obtaining a height of eight feet shall be planted with a maximum spacing between plants of five feet. Plants shall be at least three-gallon container plants and be at least 36 inches tall at the time of planting.

c. All plans and tress shall be indigenous to this part of the state and shall be drought resistant.

Existing mature tree growth and natural landform of the wireless facility site shall be preserved to the extent feasible; however, this vegetation may be trimmed or removed if it causes interference with the support structure or antenna or inhibits access to the equipment compound

1. *Aesthetics, placement, materials, and color.* Antenna attachments shall be designed to be compatible with the wireless facility to which it is to be affixed, including matching the proposed array with the support structure's design, facade colors, and camouflage or stealth technology. New wireless facilities shall be designed to be compatible with existing structures in the surrounding area to the extent feasible. The applicant may be required to disguise, conceal, or camouflage a tower and/or antenna to ensure compatibility with the surrounding area. No commercial advertising, signage, or flags shall be allowed on any tower.
2. *Lighting.* No lights, signals, or illumination shall be permitted on any tower unless required by the Federal Communication Commission, Federal Aviation Administration, or other federal, state, or local agency except for security and safety lighting of equipment buildings if such lighting is shielded to keep light within the boundaries of the site
3. *Fencing.* The site shall be enclosed by fencing opaque in nature and not less than eight feet high. Security features may be incorporated into the buffer and landscaping areas around the outside perimeter of the equipment compound.
4. *Construction standards.*

a. The cellular antenna tower and any associated structures shall be constructed in compliance with the current ANSI/EIA/TIA 222-F standard and any other applicable federal, state, and local standards and as they may be updated and/or amended. Certification of structure design and site foundation by a state-registered structural engineer is required before a building permit will be issued.

b. All support structures shall be designed and constructed to collapse within the industry-approved radius of the center point of the structure. In no case shall the collapse radius go beyond the property line. All support structures shall be designed and constructed to meet seismic requirements of all applicable codes and to meet wind-load requirements of all applicable codes.

1. *Collocation.* All wireless facilities with a support structure of up to 150 feet in height shall be engineered and constructed to accommodate at least three

antennas. All wireless communication facilities with a support structure 150 feet in height or greater shall be engineered and constructed to accommodate at least four antennas. Alternative cellular towers shall accommodate at least one additional service provider. All applicants for a wireless facility shall submit a statement with the application agreeing to allow and actively market collocation opportunities to other wireless communication providers or carriers.

SECTION 9.4. SECTION 9.4. APPLICATION AND REVIEW

9.4.1 Existing wireless facilities.

Any wireless facility installed or in existence prior to the effective date of the ordinance from which this policy is derived shall be considered nonconforming. Nonconforming facilities that do not comply with the requirements of this policy are subject to the following provisions:

1. Nonconforming wireless facilities may continue in use for their existing purpose but may not be expanded without complying with the provisions of this policy except as further provided in this section.
2. Nonconforming wireless facilities may add additional antennas and ground equipment and may expand the footprint of the then-existing equipment compound belonging to the same service provider or other providers subject to administrative review under this section.
3. Nonconforming wireless facilities that become damaged due to any reason or cause may be repaired and restored to their former use, location, and physical dimensions are subject to the provisions of this policy.
4. Any nonconforming wireless facility not in use for six months shall be deemed abandoned, and all rights as a nonconforming use shall cease.

9.4.2 Application.

(a) Prior to applying to the planning commission for a conditional use to permit a new location for a wireless communications facility, the applicant shall provide the planning department with adequate information to establish that equipment planned for the proposed wireless facility cannot be accommodated on existing or approved towers, buildings, or alternative structures within the applicants search radius, or search ring, or within a less restrictive zone district due to one or more of the following reasons:

1. The planned equipment would exceed the structural capacity of the existing or approved tower, building or structures, as documented by a qualified and licensed state professional engineer, and the existing or approved tower, building or structure cannot be reinforced, modified or replaced to accommodate planned or equivalent equipment at a reasonable cost.
2. The planned equipment would cause interference materially impacting the usability of other existing or planned equipment at the tower, building or other structure as documented by a qualified and licensed state engineer, and the interference cannot be prevented at a reasonable cost.
3. Existing or approved towers, buildings, or other structures within the search radius or ring, or combinations thereof, cannot accommodate the planned equipment at a height necessary to function reasonably as documented by a qualified radio frequency (RF) engineer.
4. Other unforeseen reasons that make it infeasible to locate the planned telecommunication equipment upon an existing or approved tower, building or other structure, or within a less restrictive zone district.

(b) Construction of any stealth, monopole, lattice, lattice with guy, support structure, or the like shall be subject to approval by the planning commission and require the issuance of a conditional use permit. The conditional use permit must be approved prior to the submittal of the cellular antenna tower application. Upon issuance of a conditional use permit, the applicant must also apply for and be granted a building permit by following the standard building permit application process. The following regulations shall apply:

1. Each entity that proposes to construct a cellular antenna tower or the like shall submit a completed application to the planning department, who will arrange its addition to the planning commission and city council agenda for review and/or approval.
2. If the planning commission finds that circumstances or conditions relating to the application of an alternative cellular antenna tower are such that one or more of the requirements of the application process listed below are not necessary or desirable for the protection of surrounding property or the public health, safety, and general welfare, and that such special conditions or circumstances make one or more said requirements unreasonable, the planning commission or its duly authorized representative may modify or waive such requirement of the application, either permanently or on a temporary basis.
3. Any such modification or waiver shall be requested by the applicant, and the applicant shall submit a written justification for each requested modification or waiver.
4. The planning commission shall not regulate the placement of antennas or related equipment on an existing structure. However, every entity choosing to locate an antenna or related equipment on an existing structure shall file with the city planning department the name and address of the entity and the structures upon which the entity plans to place antennas or related equipment.
5. In the event of an emergency (e.g., storm damage, etc.), then temporary wireless facilities may be permitted by administrative approval for a period of time not to exceed 90 days.

9.4.3 Application submission requirements.

Each applicant requesting a conditional use permit, zoning permit, and building permit for a facility must be signed by the landowner of record, the developer of the support structure, and the initial communication provider or carrier. An application without all signatories shall be considered incomplete and will not be reviewed. Submission requirements are as follows:

1. Certificate of ownership giving the names, titles, relationships, and addresses of all landowners of record. Each owner of record must sign the certificate. A copy of the deed for the land proposed as the site for a wireless facility must accompany the certificate.
2. Site survey prepared by a surveyor licensed in the state showing property boundaries, topography, major vegetation, existing structures, and other features. This survey should also illustrate, but not with survey accuracy, the location of structures on abutting land including land on the opposite side of an adjoining public street.
3. Site plan showing the location of all proposed facilities including the support structure, equipment buildings or shelters, setback lines, access driveways, parking spaces, fencing, landscaping, and any other features deemed important in explaining the proposal. A site plan is not required if the wireless facility is proposed to be located on an existing structure.

4. Elevation of the support structure showing dimensions of the base of the structure, height of the structure, location of antenna array, and other information necessary to adequately depict the structure.
5. Specifications for the support structure and antenna, including a description of design characteristics and materials.
6. Photographic simulations of the site from four directions with the support structure in place. The purpose of these simulated photographs is to help evaluate the potential visual and aesthetic impacts the proposed structure will have on the surrounding area. In unusual situations, the city planner may require a balloon test to help evaluate the potential impact a support structure might have on the surrounding neighborhood.
7. Evidence that a valid FCC license has been issued for the proposed wireless facility.
8. Acknowledgment of the structural certification requirements and a statement affirming the intention to provide these certifications to the city prior to a request for a building permit.
9. An agreement to remove the support structure within 90 days after cessation of use.
10. Evidence that the applicant has made a reasonably good faith attempt to locate its wireless facility onto an existing structure. Competitive conflict and financial burden alone are not deemed to be adequate reasons against collocation.
11. Evidence that an applicant proposing to place a wireless facility in a residential district cannot achieve the desired service coverage and capacity by placing the wireless facility in a nonresidential district.
12. Evidence that the proposed wireless facility is to be designed engineered and constructed with the capability of sharing the wireless facility with other service providers.
13. A collocation statement that allows and ensures active marketing of collocation opportunities to other wireless facility providers or carriers. This agreement shall include the applicant's policy regarding collocation of other providers and the methodology to be used by the applicant in determining reasonable rental rates for other service providers.
14. A statement describing the applicant's proposed protocol for periodically monitoring radio frequency (RF) emissions and reporting the findings to the city.

9.4.4 Application fee.

A large-scale wireless communication tower application fee in the amount established by the city shall apply.

9.4.5 Technical review.

In the course of its consideration of an application for a wireless facility, the city may deem it necessary, in complex situations, to employ an engineer or other consultant qualified in the design and installation of wireless facilities to assist the city in reviewing technical aspects of the application. In such cases, the actual cost incurred by the city in obtaining the technical review and recommendation shall be reimbursed by the applicant prior to the conditional use hearing before the planning commission. The proposal for technical review services, including a not to exceed cost estimate, shall be presented to the applicant for approval prior to employing an engineer or other consultant.

9.4.6 Administrative approval.

An application for collocation of an antenna on an existing support structure already approved as a conditional use may be reviewed and approved by the planning department. Each application shall be reviewed for compliance with the development criteria specified in this section.

9.4.7 Public hearing.

The planning commission shall be the review authority for all wireless facility applications not eligible for administrative review. A public hearing shall be held during a regularly scheduled planning commission meeting and scheduled at the discretion of the planning commission.

1. All notices of public hearing procedures prescribed for consideration of a conditional use shall be followed. The planning commission shall review and consider a conditional use application at a public hearing. Interested persons may appear and offer information in support or opposition to the proposed wireless facility application.
2. Notice of the time and place of the public hearing shall be published at least once in a local-circulation newspaper no less than 15 days before the scheduled public hearing. This notice shall be published by the planning department and billable to the applicant.
3. Notice of the public hearing shall be posted on the site of the proposed wireless communication facility no less than seven days before the scheduled public hearing.
4. The applicant shall be responsible for:

a. Notifying by certified mail all property owners within 500 feet of the proposed tower, or all contiguous landowners if there are no property owners within 500 feet of the proposed construction of the tower. A site map; date, location, and time of the public hearing and contact information for the planning department should be included.
b. A list of property owners who were sent the notice should be delivered to the planning department. Certified mail return receipts should be delivered to the planning department no less than 14 days prior to the public hearing date.
c. A statement that the mayor has been notified in writing of the proposed construction, and a copy of the notification sent to the planning department.

9.4.8 Approval criteria.

A conditional use permit for a wireless facility may be granted when each of the following findings of fact have been made by the planning commission and confirmed by the city council:

1. The wireless facility will not materially endanger the public health or safety if located where proposed by the application and developed according to the submitted plan;
2. The wireless facility meets all required conditions, specifications, and development standards of this chapter;
3. The wireless facility will not substantially injure the value of adjoining or abutting property;

4. The location and character of the wireless facility, if developed according to the submitted plan, will be in harmony with the area in which it is to be located and in general conformity with the city comprehensive plan;
5. Any additional development conditions recommended by the planning commission are based upon the purpose and goals of this section which is to promote, preserve, and protect the public interest. Recommendations may include, but not be limited to, recommendation of alternative development criteria, imposition of stipulations, or additional restrictions on the wireless facility proposal as deemed necessary to reduce or minimize any adverse effects and to enhance compatibility of the wireless facility with the surrounding property;
6. Any additional development conditions recommended by the planning commission are reasonable and capable of being accomplished. The inclusion of additional conditions, development criteria, or restrictions shall be my specific inclusion in a motion for approval.

9.4.9 Action.

(a) Following the public hearing and presentation and review of evidence, the planning commission shall make a recommendation to the city council to take one of the following actions:

1. Approve the application as submitted;
2. Approve the application with conditions or modifications; or
3. Deny the application in writing.

(b) The city council may elect to send the application back to the planning commission with requests for further information or modifications.

(c) Upon city council approval of a conditional use permit or subsequent building permit, construction must begin within one year or the permit will be null and void. An applicant requesting an extension of their permit may submit a revised construction schedule to the planning department within the one-year period, with said extension not to be unreasonably withheld.

9.4.10 Findings.

All decisions rendered by the city council concerning a wireless facility application shall be supported by written findings of fact and conclusions of law based upon substantial evidence of record. All findings of fact and the reasoning behind a decision shall be provided to the applicant within 15 days following the decision.

9.4.11 Appeals.

A decision of the planning commission to deny the application may be appealed to the city council.

SECTION 9.5. ABANDONMENT, DISMANTLING, AND REVOCATION OF PERMITS

9.5.1 Abandonment and dismantling.

Any support structure that is not operated for a continuous period of 12 months shall be considered abandoned, and the city, at its election, may require the support structure owner to dismantle and remove the support structure within 90 days after notice from the city. If there are two or more users of a single support structure, this provision shall not become effective until all service providers or carriers cease to use the support structure. If the owner of an abandoned support structure cannot be located or is no longer in business, the requirements of this section shall be the responsibility of the landowner on whose property the support structure is located.

9.5.2 Revocation of permit.

A zoning permit and/or a building permit for development of a wireless facility may be revoked at any time during the construction process for any violation of the zoning provisions in appendix B or provisions of this policy. Permits may be reinstated once the violation is corrected.

ARTICLE 10 DEFINITIONS

SECTION 10.1. DEFINITIONS

10.1.1. 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.

10.1.2. 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 provided ingress or egress via motorized vehicles, non-motorized vehicles, or pedestrian traffic.

Access Easement: A legal agreement in which a landowner grants permission to certain private or public entities, to travel across their land to get to another property or a public road.

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.

Accessory Structures: See section 8.6 – Flood Damage Prevention Code for definition related to Flood Damage Prevention. For all other portions of the code, the following shall define Accessory Structures: A building or structure not used for human occupancy and which is physically separated from buildings intended for human occupancy and the use of which is incidental and subordinate to the use of the principal structure. Accessory structures shall include storage sheds, shops, lean-tos, small pole barns, garden sheds, or the like. Accessory structures shall not include carports or garages that are physically detached from the principal structure and primarily intended for storage of one or more vehicles, boat, recreational vehicle, or similar. Nor shall it include items which primary use is for aesthetics or shade, such as a gazebo or pergola.

Addition: Any construction that is attached to another structure.

Administrative Official: The person or persons designated by the Mayor 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.

Agriculture, Backyard:
The use of a property's rear yard for sourcing, harvesting, cultivating, breeding, or otherwise generating agriculture products, whereby said use(s) are accessory to a primary residential use. See Ordinance 2019-19-23 for additional regulations.

Agriculture, Product Sales: onsite
The sale of products intended for direct human or animal consumption, including, but not limited to, vegetables, fruits, dairy products, eggs, grains, meat, poultry, fish, honey, hay, bedding plants, and wool, occurring on the same property where the products are sourced, harvested, cultivated, bred, or otherwise generated.

Agriculture, Produce Sales: offsite
The sale of products intended for direct human or animal consumption, including, but not limited to, vegetables, fruits, dairy products, eggs, grains, meat, poultry, fish, honey, hay, bedding plants, and wool, occurring at a location or venue that is separate and distinct from the property where the products are sourced, harvested, cultivated, bred, or otherwise generated.

Airport: Any area of land used or intended for landing or takeoff of aircraft including appurtenant area used or intended for airport buildings, facilities, as well as rights of way together with the buildings or facilities.

Airstrip: A small, private-use landing strip used for takeoff and landing of aircraft, typically featuring a single, simple runway with minimal or no facilities.

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

Alterations, Building: 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.

Applicant: The person, firm, public, or private entity responsible for submitting requisite materials to the City Staff to enable a complete review that ensures all regulatory provisions provided by City Code and/or City Ordinance are met.

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.

Articulation (of a façade): Changes in the depth of the surface of a building face or façade such as attached columns, recessed windows or window bays, horizontal banding or decorative cornices, such that texture and/or variation is added to a building surface.

Artisan / Maker Space: A studio or retail area designed for artisans, craftsmen, and small-scale manufacturers. It provides an individual or shared environment for creating handmade goods while producing minimal noise, fumes, or industrial nuisances. Can include small group classes for the public to “take and make” products.

Authorized Agent: A person or persons authorized by the landowner(s) to act on their 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. A lot, land or structure, or part thereof, used primarily for the collecting, dismantling, storage and salvage of machinery or vehicles that are not in operating condition, or for the sale of parts there from; or for the collecting, storage, and salvage of waste paper, scrap metal, or other discard material.

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

Automobile Dealership:
A retail business primarily housed in a structure and characterized by a mixture of related uses upon a commercial site; however, the principal use of the site shall be the marketing of new or used automobiles, whether by sale, rent, lease, or other commercial or financial means. Secondary supporting uses may also exist upon the same site, such as maintenance, repair and service areas, parts storage areas, and financial service areas.

Automobile Sales:
The use of land for the display or sale of automobiles, trucks, vans, trailers, or recreational vehicles, which does not include, among others, those secondary support uses found at an *Automobile Dealership*, such as vehicle repair, maintenance, service areas, parts storage areas, or financial services.

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

Automobile Repair Shop, Limited: A building in which facilities are provided for the care, servicing, or repair, of specific systems such as transmissions or an auto body shop.

Automobile Repair Shop, General: A building in which are provided facilities for the care, servicing, repair, or equipping of automobile mechanical and electrical issues as well as routine maintenance such as oil changes and tune ups.

Automobile Trailer, Trailer Coach, or Recreational Vehicle

Any vehicle or structure designed and constructed to permit temporary occupancy thereof as sleeping quarters for one or more persons and so constructed that it may be mounted on wheels and used as a conveyance on streets or highways, propelled or drawn by its own or other motive power.

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. This definition is unique and distinct from the definition of 'basement' found in Sect. 8.6 – Flood Damage Prevention Code.

Basic Industry: A type of industry that engages in the discovery, excavation, harvesting, extraction, processing, or development of raw materials that are used in other industries to manufacture goods, including but not limited to agriculture, oil, gas, mining, paper, pulp, steel, and chemical industries.

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 Sign: A permanent sign in a fixed location which meets any one or more of the following criteria: (a) The sign is a principal use of the land, rather than appurtenant or accessory to some other principal use of the land; (b) The sign is subject to rules and regulations concerning outdoor advertising which are promulgated as a result of Minute Order 72-6 of the Arkansas State Highway Commission, a subsequent amendment of those rules and regulations, or other state regulation governing outdoor advertising; (c) The sign has a sign area greater than one-hundred fifty (150) square feet in size.

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 Line Adjustment (BLA): Shift in and/or movement of the common boundary line between four or fewer parcels of land. Also referred to as a Lot Line Adjustment. Note: Removal and/or extinguishing boundary line(s) is not considered a BLA.

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.

Buffer: The area of land set aside for the purposes of providing separation of light and/or noise between two (or more) adjacent properties or uses.

B.U.G. rating: A luminaire classification system that classifies backlight (B), uplight (U) and glare (G). The acronym describes the types of stray light escaping from an outdoor lighting luminaire.

- "B" stands for backlight, or the light directed in back of the mounting pole.
- "U" stands for uplight, or the light directed above the horizontal plane of the luminaire, and
- "G" stands for glare, or the amount of light emitted from the luminaire at angles known to cause glare.

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

Building: Any structure with a roof, and supported by four 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.

Butcher: A person whose trade is cutting up and selling meat in a shop or to individuals.

Campground:
An area to be used for transient occupancy by camping in tents, camp trailers, or travel trailers, or similar movable or temporary sleeping quarters of any kind.

Campground, RV Park:
A parcel of land reserved for the location of recreational vehicles, including buildings and sites set aside for group camping and similar recreational vehicles.

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. Note; This definition is separate and distinct from the definition for 'Certificate of Compliance' found in Section 8.6 - Flood Damage Prevention Code.

City: The City of Gravette, 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.

Collocation or Site Sharing: Use of a common Wireless Communication Facility (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 / Retail:
A business use or activity at a scale greater than a *home occupation* involving retail or wholesale marketing and / or sale of goods, merchandise, or services, including rentals, directly to consumers. Examples of commercial uses include offices and retail shops, but are also inclusive of retail pharmacies which may have other functions such as clinical and/or wellness functions. Rentals allowed in Commercial / Retail areas excludes "Commercial Vehicles" and other heavy contractor equipment and tools, but can include passenger vehicles, small household tools, appliances, sports gear, gardening equipment, and other similar items.

Commercial Parking Lot:
An off-street, surfaced, ground level open area, for the temporary storage of motor vehicles directly associated with those customers, patrons, or persons who have been sold or been provided services by a business use or activity at the same property upon which the lot resides.

Commercial Parking Lot, Overnight: facilities for leaving commercial vehicles, such as semi-trucks, delivery vans, tow trucks, and trailers, unattended or parked for an extended period during designated nighttime hours.

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 or equipment. Material may be transferred into and out of by owner or other authorized persons.

Commission: The Planning Commission of the City of Gravette.

Conditional Use (CUP): 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.

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 Clerk: The County Clerk of Benton County, Arkansas.

Crop: The cultivation and harvesting of plants for food, feed, or other agricultural purposes.

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

Child Care, limited. An arrangement or agreement by which one or more persons care for up to ten (10) 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. (Ordinance 24-12)

Child Care, general. Any Child Care Facility conducted under public or private supervision 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.

H. Facilities meeting this definition but operating no more than three weeks at a time, specifically including religious study schools and day camps.

Decorative Wall: A wall, typically constructed to serve as a seating arrangement, but, can be constructed as part of required landscaping and/or screening.

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 Applicant.

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 household, but not including house trailers, travel trailers, or recreational vehicles (RV).

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

Dwelling, Condominium: A building or group of buildings, in which individual units within each are under separate ownership, and the structure, common areas, and facilities are owned by all the owners on a proportional, undivided basis.

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, or floor(s) above, and where the residential use of the building is secondary or accessory to the primary use as a place of work.

Dwelling, Loft / Mixed Use: 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 Unit, Attached (Townhome/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.

Dwelling, Tiny Home.
A dwelling, between 100 and 400 square feet in area, regulated by Appendix Q of the International Residential Code (IRC) , and not including either recreational vehicles or mobile trailers. Tiny homes shall be placed on a permanent foundation.

Dwelling, Tiny Home Plus
A factory constructed dwelling with a minimum of 401 sq. ft. and a maximum of 799 sq. ft., excluding lofts, constructed according to the International Residential Code (IRC).

Dwelling, Tiny Home On Wheels
A mobile dwelling, regardless of size, that is subject to land use regulations for Recreational Vehicles.

Dwelling, Accessory Dwelling Unit (ADU): A self-contained and independently accessed living unit on the same parcel as a single-family dwelling of greater square footage that includes its own cooking, sleeping, and sanitation facilities and complies with or is otherwise exempt from any applicable regulatory requirements.

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

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.

Attached Accessory Dwelling Unit: An Accessory Dwelling Unit that has one or more walls in common with the single-family dwelling.

Detached Accessory Dwelling Unit: An Accessory Dwelling Unit that is separate from and has no wall, roof, floor, or other structural element in common with the single-family dwelling located on the same lot as a detached single dwelling unit.

Interior Accessory Dwelling Unit: An Accessory Dwelling Unit that is housed completely within the existing residential structure.

Dwelling, Single Unit, detached: A detached residential dwelling unit designed for occupancy by one household only. All detached single unit residences that fall under 800 sq. ft. will need to follow the regulations for Tiny Homes or Tiny Home Plus.

Dwelling, Two Unit (Duplex): A detached residential building designed for occupancy by two households.

Dwelling, Three Unit (Triplex): A detached residential building designed for occupancy by three households

Dwelling, Four Unit (Quadplex): A detached residential building for occupancy by four households.

Dwelling, Zero Lot Line: A detached residential single-dwelling unit structure, in which the structure comes up to, or very near to, the property line on one side of the lot.

Dwelling, 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. Note: This definition is unique and distinct from the definition of 'manufactured homes' found in Sect. 8.6 – Flood Damage Prevention Code.

Dwelling, Multi-Unit (Apartment/Complex): A residential building designed for occupancy by five or more households, with separate housekeeping and cooking facilities for each.

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

Dwelling, Modular Home. A factory constructed home of two or more sections, built to Building Official and Code Administration (B.O.C.A.) standards and regulations. Designed to permit its transportation upon the public streets or highways solely for the purpose of moving it to a permanent site. A modular home is not a manufactured or mobile home.

Earthen Berm: A linear-oriented strip of organic material, typically soil, dirt, or fill, that serves as a vertical barrier, constructed to provide either visual separation, or, buffer noise and/or light between two properties or uses.

Easement: A grant by the property owner for the use by the public or private entities, of certain, specified sections of land for special purposes, and include utility access for water, sewer, drainage, electricity, telecommunication. Easements may be prescribed for physical access by and for both motorized or non-motorized vehicles, as well as for pedestrian access Note: This definition is unique and distinct from the definition of 'easement' found in Sect. 8.6 – Flood Damage Prevention Code.

Electronic Message Board: Any sign or structure which provides for text or background color changes, or the illusion of action, motion, or movement, through illumination via sequencing bulbs, light emitting diodes, or other electronic means.

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

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.

Farm Stands: A small, portable structure or site (table, stall, tent) used for the display/sale of farm-grown goods including vegetables, fruits, flowers, animal products, and locally produced packaged foods from the farm or a nearby farm and sold directly to customers.

Farmers Market:
An occasional or periodic market held in an open, pre-designated area, or in a structure, where groups of individuals offer for public sale items such as fresh produce, seasonal fruits, fresh flowers, arts and crafts items, and food and beverages (but not to include second-hand goods) dispensed from booths, tents, or kiosks located on-site.

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, decorative: Also know as 'ornamental', A manmade, non-opaque, non-vegetative vertical barrier, typically constructed or placed to create and/or enhance aesthetics.

Fence, privacy/opaque: A manmade, non-vegetative, vertical barrier constructed to provide visual separation between two (or more) adjacent properties and/or uses

Fence, security: A manmade, non-vegetative, vertical barrier constructed to prevent access to certain property, or, to deter entry into certain property from outside interests.

Flex Space: A multi-purpose building designed to accommodate a flexible combination of office, light industrial, research, showroom, and limited warehousing to support an on-site business.

Floor Area: The total surface area of all floors of a building except the cellar but measured from the exterior faces of the exterior walls, or from the outer edges of the roof where covered areas are without exterior walls.

Freight Terminal: A centralized logistics facility where cargo is transferred, sorted, and loaded between different transportation modes such as trucks, rail, ships, or planes.

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.

Sign, Flashing: Any sign which has illumination that flashes, blinks, or is animated by means of fluctuations in the intensity or presence of light.

Sign, Freestanding: A sign supported permanently upon the ground by poles, braces, base, or similar support structure and not attached to any building. This sign type is inclusive of other sign types meeting this definition.

Future Land Use Plan: A long-term, policy driven document and map within a community's comprehensive plan that guides future growth, development patterns, and infrastructure investment.

Gallery: A building for the display or sale of works of art.

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.

General Plan: The official statement reflecting the objectives, policies, and ambitions of the community regarding future physical growth. The General 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 General Plan reflects the overall location for various land uses, major streets, parks, public buildings, zoning districts and other public improvements. Also known as a "Comprehensive Plan." The General Plan shall be referred to as 'The Plan'.

Government Sign: Any temporary or permanent sign erected and maintained by the city, county, state, or federal government for traffic direction or for designation of or direction to any school, hospital, historical site, or public service, property, or facility.

Grading: The excavation, filling, leveling, or other physical alteration of the natural surface of the land performed to prepare a site for construction, development, drainage improvements, or

other land-disturbing activities. Grading excludes land clearing such as tree and/or vegetation removal without significant soil movement.

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.

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, childcare 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, Spotlight: 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.

Sign, Incidental: an on premises sign containing an informational message that has a purpose incidentally related to the use or occupancy of the premises and is intended to assist the public with respect to the location of business facilities or provides courtesy or directive information, but is not an advertisement;

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

Indoor Commercial Entertainment, limited:
Establishments providing multiple coin operated amusement or entertainment devices or machines as other than an incidental use of the premises. Such devices would include pinball machines, video games, and other games of skill or scoring. This definition also includes pool or billiard halls / rooms, whether or not they are coin operated, miniature golf courses, laser tag, batting cages, trampoline parks, climbing walls, bumper cars, roller and ice skating rinks, bowling alleys, and similar indoor amusement activities, not exceeding 50,000 square feet in size.

Indoor Commercial Entertainment:
Establishments providing space for large performances or gatherings, such as concert halls and sports arenas.

Landscaping: A combination of living vegetation (such as grass, ground cover, shrubs, vines, hedges, or trees) and non-living materials (such as, rocks, pebbles, sand, mulch, walls, decorative walls, fences or decorative paving materials) arranged or preserved to enhance aesthetics, as well as achieve requirements of the Development Code.

Large Scale Development: A large scale development is generally intended for, but not limited to, a non-residential, mixed-use, or multifamily development as a single improvement on a site and to any expansion of an existing building that meets the requirements set forth in Section 5.13.2.

Light Fixture: A light fixture or luminaire is an electrical device that contains an electric lamp that provides illumination. Light fixture and luminaire may be used interchangeably within this chapter.

Livestock: Farm animals including, but not limited to, horses, goats, cows, sheep, and pigs.

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 of at least sufficient size to meet the minimum zoning requirements for use, coverage and area, providing such yards and setbacks as are required herein, having access to a public street and being a single lot of record (platted or replatted) or an approved, designated tract of record.

Lot(s) of Record. A lot which is part of a subdivision recorded in the office of the County Recorder/Circuit Clerk of Benton County, or a lot or parcel described by metes and bounds, the description of which has been so recorded, prior to the adoption of this Code.

Lot, Corner. A lot located at the intersection of two or more streets. A lot abutting on a curved street or streets shall be considered a corner lot if straight lines drawn from the foremost points of the side lot lines to the foremost point of the lot meet at an interior angle of less than 135 degrees,

Lot, Area: The total horizontal area included within legally defined lines enclosing the lot.

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

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.

Lot Frontage. That portion of the lot which abuts a street.

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 Line, Side: Any lot line other than a front or rear lot line as defined herein.

Lot Measurement.

(a) Depth of a lot shall be considered to be the distance between the midpoints of straight lines connecting the foremost points of the side lot lines in front and the rearmost points of the side lot lines in the rear.

(b) Width of a lot shall be considered to be the distance between straight lines connecting front and rear to lines at each side of the lot, and shall meet the required minimum zoning requirements at the front building setback line, except in the case of lots on the turning circle of a culs-de.sac, where a 50 percent requirement will apply.

Luminaire: A light fixture or luminaire is an electrical device that contains an electric lamp that provides illumination. Light fixture and luminaire may be used interchangeably within this chapter.

Manufacturing, Limited / Maker Spaces:
An establishment primarily engaged in the on-site production of goods by hand manufacturing which generally involves only the use of hand tools or other small equipment, which may include assembly and packaging, as well as incidental, direct sales to consumers of those goods produced on-site, and shall not exceed 8,000 square feet in size.

Manufacturing, General: An establishment engaged in the indoor manufacturing, assembly, fabrication, packaging or other industrial processing of finished parts or products, primarily from previously prepared materials, or the indoor provision of industrial services, where there are few external effects across property lines. This term includes but is not limited to a business engaged in the processing, fabrication, assembly, treatment, or packaging of food, textiles, leather, wood, paper, chemical, plastic, or metal products, but does not include basic industrial processing from raw materials,

Manufacturing, Intensive: An establishment engaged in the manufacture, predominantly from previously prepared materials, of finished products or parts, including processing, fabrication, assembly, treatment and packaging of such products, and incidental storage, sales, and distribution of such products, but excluding “basic industry.”

Manufacturing, Light: A type of manufacturing that involves the assembly, processing, or finishing of relatively small products.

Manufactured Home Park. Any plot of ground on which there are located or intended to be located two or more manufactured homes to be occupied for dwelling or sleeping purposes.

Manufactured Home Space: A space means ground within a manufactured home park designed for 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.

Mobile Food Vendor:
Any person or persons that owns or operates a mobile food vendor vehicle for the purpose of mobile food vending as defined.

Mobile Food Vendor Vehicle:
A mobile food vendor that prepares and/or serves food and/or beverages from a self-contained vehicle either motorized, or, within a trailer that is readily movable without disassembling for transport to another location. Mobile food vendor vehicles may commence outdoor food vending from a fixed location or commence outdoor food vending from a non-fixed location.

Monument Sign: A freestanding sign mounted directly to the ground supported by a structural base separate from the sign cabinet and with no poles visible between the sign and the ground.

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.

Non-conforming Structure: Any 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 lawfully occupied, and any land lawfully used 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.

Non Commercial Message: Constitutionally protected speech or messages that addresses topics of public concern or controversy such as, by way of example and not limitation: politics, religion, philosophy, science, art, or social commentary.

Occupied Space: The square feet within a building 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.

Offices and Services: Businesses that provide administrative, professional, or personal services.

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.

Off Site Sign: A sign related to subject matter not related to the premises on which it is located, or to products, accommodations, services or activities on the premises. This definition does not include noncommercial messages.

On-Site Sign: A sign relating in its subject matter to the premises on which it is located, or to products, accommodations, services or activities on the premises. On-site signs do not include signs erected by the outdoor advertising industry. This definition does not include noncommercial messages.

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 Display Commercial: A use in which items are typically placed for public sale in open air display, including, but no limited to souvenir shops, novelty shops, t-shirt shops, and lawn-mower shops.

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

Outdoor Auction: The temporary or periodic use of land for the outdoor sale of goods or property through a public bidding process.

Outdoor Entertainment: Large, event-style outdoor venues for uses including, but not limited to, outdoor concerts, motorsports tracks, and fairgrounds.

Outdoor Entertainment, Limited: Small-scale recreational or entertainment activities conducted outdoors including, but not limited to, mini-golf courses, outdoor dining with occasional music, small outdoor performances, and outdoor fitness classes.

Outdoor Storage, Commercial: Outdoor keeping of goods, materials, equipment, or merchandise related to a commercial business outside a fully enclosed building for more than a temporary period. Examples include lumber and building materials outside a hardware store, garden centers, and outdoor storage of rental equipment.

Parcel: A piece of property, legally described by metes and bounds, recorded by deed, and assigned a unique identification number by the Benton County Assessor's Office. Parcels may include both lots and/or tracts.

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.
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 with the circuit 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 overlaid onto an existing zoning district and approved under a unified plan that allows flexibility from conventional zoning requirements in order to promote coordinated design and efficient land development.

Planned Zoning Development (PZD): Planned Zoning District is to permit and encourage comprehensively planned zoning and development whose purpose is redevelopment, economic development, cultural enrichment or to provide a single-purpose or mixed-use planned development and to permit the concurrent processing of zoning and development.

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 scaled map or drawing and accompanying material indicating the layout and design of a proposed subdivision or lot-split prepared by a developer for consideration by the City for approval. 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 / Circuit Clerk; 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.

Pond, Detention: A pond designed for temporary storage and controlled release of stormwater.

Pond, Retention: A pond designed as a permanent pool of water to provide both storage and water-quality treatment through natural settling and biological processes.

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 Structure: A building that houses the Principal Use on a lot whether it be a residential dwelling with living space of at least 800 sq. ft. or a commercial or industrial building.

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

Produce Market: A place or business specializing in the sale of fresh fruits and vegetables directly to customers or sold wholesale to restaurants or retailers.

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 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 not 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, churches, and other uses 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.

Recreational Vehicle (RV): Self-propelled or towed temporary living quarters equipped with minimum of bed, sanitation, bath and cooking facilities. Note: This definition is unique and distinct from the definition of 'recreational vehicles' found in Sect. 8.6 – Flood Damage Prevention Code.

Religious Assembly: Structures or land used for religious worship, instruction, or related activities, including accessory offices, classrooms, and fellowship facilities where such uses are subordinate to the primary religious purpose.

Replatting: The resubdivision of any part of previously platted subdivision, addition, lot, or tract.

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, with Drive-through/carry-out: 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-in, drive-up, or drive-through service facility or offers curb service.

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.

School: A facility that provides a curriculum of elementary and secondary academic instruction, including preschools, kindergartens, elementary schools, junior high schools, and high schools.

Screening: The application of one or more elements, such as fencing, decorative walls, landscaping, or earthen berms to provide visual separation between two (or more) properties or uses.

Screening, Vegetative: The use of plants and/or vegetation, typically implemented through the use of a landscaping plan, to provide visual separation between two (or more) properties or uses.

Self-Storage: Mini-storage or self-storage shall mean one or more permanent structure(s), meeting applicable city building requirements, which contain separate storage units or cubicles that are intended to be leased by members of the public primarily for use of personal effects and household goods. It shall also include open air or sheltered storage of recreational vehicles, campers, boats, and vehicles, and other items.

Setback Lines. Lines imposed on each parcel / lot which are determined by the definition of front, side and rear yards and restrict the placement of structures. All setbacks where a street is involved shall be measured from the planned right-of-way as shown on the Master Street Plan. When referring to a Wireless Communication Facility (WCF), setback means the required distance from the WCF to the property lines of the parcel on which the WCF is located. No building or structure may be erected within a setback line.

Shipping Container: A large, standardized, reusable metal box designed and constructed for the transport and storage of goods, materials, or merchandise by ship, rail, truck, or similar mode of transportation. Also referred to as an intermodal container.

Shop: A detached Accessory Structure designed around workspace, storage, or hobbies such as woodworking, auto repair, or general maintenance. In commercial or industrial zoning, it may refer to a) a retail shop engaged in the sale of goods or merchandise directly to the consumer or b) a building or structure where goods are manufactured, repaired, or assembled, typically on a small scale, such as an automobile repair shop or cabinet shop.

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 buildings or are under separate ownership.

Shooting Range: A facility designed and operated for the discharge of firearms or archery equipment for practice, instruction, training, or competition, including accessory offices, classrooms, and equipment storage, and meeting all applicable safety standards.

Lodging, Short Term:
A residential dwelling unit, portion of a dwelling unit, or bedroom within a residential dwelling unit, leased and/or rented to a guest(s), for a period of less than thirty (30) consecutive days.

Sign: Any object, device, display, or structure or part thereof situated outdoors or adjacent to the interior of a window or doorway, which is used to advertise, identify, display, direct, or attract attention to an object, person, institution, organization, business, product, service, event, or location by any means including words, letters, pictures, logos, figures, designs, symbols, fixtures, colors, illumination, or projected images.

Sign Face: The area of a sign on which the copy is placed. This does not include the mounting structure.

Site Plan: A plan, drawn to a standardized architectural and/or engineering level scale, showing proposed uses, buildings, or structures for a parcel of land. Site plans also include, but are not limited to, the location of proposed lot lines, tract boundaries, streets, building / construction sites, reserved open space, natural features (such as floodplains and/or wetlands), 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.

Small Site Plan: Standards for reviewing any expansion of a Commercial, Institutional, Industrial, or Multifamily development not meeting the requirements for Large Scale Development set forth in Section 5.13.2, and to any site where grading or clearing of land is being considered.

Solar Structure, Accessory:
An accessory structure designed to utilize solar energy as an alternative for or supplement to a conventional energy system

Solar Facility, Utility Scale:
A complete design or assembly consisting of a solar energy collector, an energy storage facility (where used), and components to the distribution of transformed energy (to the extent they cannot be used jointly with a conventional energy system).

Storm Cellar / Shelter: An accessory building designed and used for the purpose of taking refuge from the inclement weather or other pending disaster.

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: A public or private right-of-way serving as a means of vehicular and pedestrian travel, furnishing the primary 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. *The right-of-way line of a street is set forth on the Master Street Plan.*

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: 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, and poster panels.

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.

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.

Sign, Temporary: A sign not constructed or intended for long-term use or which is portable is considered a temporary sign. This definition includes any sign not permanently embedded in the ground, or not permanently affixed to a building or sign structure that is permanently embedded in the ground. This includes banners, etc.

Temporary Use Permit (TUP): A permit issued to allow a use for a limited duration and/or frequency.

Tower Use Permit: 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.

Tract: An unplatted parcel of land.

Trade School: An educational institution primarily engaged in providing instruction, training, or certification in a specific skilled trade, craft, or technical occupation.

Travel Trailer: A vehicular, portable structure built on a chassis, designed to be used as a temporary dwelling for travel and recreational purposes, having a body width not exceeding eight feet.

Trailer: A vehicle without its own engine, designed for carrying persons or property and pulled by another vehicle.

Use: A purpose to which land is committed.

Unit: A dwelling designed to be occupied by one household.

Utility, Public:
All lines and facilities related to the provision, distribution, collection, transmission, or disposal of water, storm and sanitary sewage.

Utility, Private:
Utilities that are not subject to city acceptance for operation or maintenance, including natural gas lines, power lines, television lines, cable television lines, and other communication lines, their appurtenances and any component part(s) thereof, and the utility companies' operation, maintenance, repair, and replacement of same.

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. Note: This definition is unique and distinct from the definition of 'variance' found in Sect. 8.6 – Flood Damage Prevention Code.

Veterinary and Outpatient Small Animal Clinic. An office where small animals are treated, where no major surgery or overnight boarding is permitted.

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.

Wall Sign: A sign attached essentially parallel to and extending not more than twenty-four (24) inches from the wall of a building with no copy on the sides or edges. This definition includes painted, individual letter, and cabinet signs, and signs on a mansard. This definition shall not include freestanding walls or fences.

Warehousing, accessory:
For building code purposes, warehouse space used in connection with and on the same premises as wholesale or retail operation is considered storage space. The storage space shall occupy less than 50% of the square footage to be considered an accessory warehouse use.

Warehousing, Primary:

Use of land whereby the principal use of the land or activities taking place in buildings or structures located on the land are characterized by the storage, moving, and distribution of materials or equipment, regardless of scale, scope, or size of operation.

Wholesale, General Use of land whereby the principal use of the land or activities taking place in building or structures located on the land are characterized by retail / warehouse establishment offering a limited range of merchandise, serving both wholesale and retail customers.

Wholesale, Intensive:
Land use characterized by large scale storing, wholesale, moving, and distribution of materials or equipment, which often involves frequent trips, to and from site, by heavy trucks, and is typically found to have open storage of materials, and may create certain nuisances such as dust, noise, and odors, but is in no way associated with manufacturing or production uses.

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.

Wireless Communications, Small Scale (?):
Unless otherwise defined below, the terms used in §110.03 shall have the meanings set forth in the Arkansas Small Wireless Facility Deployment Act, Ark. Code Ann. §23-17-501, et seq.:

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 shown on the flood insurance rate maps, and as defined under Sect. 8.6 - Flood Damage Prevention Code.

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 form 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 least dimension.

Yard, Interior: Any yard which does not run adjacent or parallel to a public or private right-of-way or a designated floodway as defined under Sect. 8.6. - Flood Damage Prevention Code.

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.