

1 **ORDINANCE NO. _____**

2

3 **AN ORDINANCE TO AMEND LITTLE ROCK, ARK., REV. CODE**
4 **CHAPTERS 15, 23, 29, 30, 31 AND 36 (1988); AND FOR OTHER**
5 **PURPOSES.**

6

7 **WHEREAS**, technologies and procedures over time change the process of development within the
8 City; and,

9 **WHEREAS**, through enhanced technology and procedures, more streamlined Development Codes and
10 Management is required; and,

11 **WHEREAS**, the City of Little Rock, Arkansas, desires through revisions to these Codes to direct all
12 permitting for private development through one (1) location.

13 **NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF DIRECTORS OF THE CITY**
14 **OF LITTLE ROCK, ARKANSAS.**

15 **Section 1.** That Little Rock, Arkansas Rev. Code Chapters 15, 23, 29, 30, 31 and 36, with specified
16 Articles, Divisions, Sections and subsections are amended as follows:

17 **Chapter 15 - Landscaping and Tree Protection.**

18 **Article II - City Beautiful Commission.**

19 **Sec. 15-31. - Role, Duties and Responsibilities.**

- 20 (a) The role of the City Beautiful Commission is to be responsible for the establishment and
21 maintenance of plans to control litter, weeds, abandoned vehicles and appliances and to
22 otherwise ensure a high level of visual aesthetic quality, specifically including, but not
23 limited to, the visual appearance of parks and open spaces, streams and other bodies of water,
24 drainage ditches, structures, hillsides, riverfronts, utilities, signs, vehicle parking and sales
25 lots, outdoor storage, trees and other natural vegetation, natural landscaping, streets and
26 railroads.

27 **Sec. 15-36. - Appeals.**

- 28 (d) The Applicant or Objectors of Record aggrieved by a decision of the Commission have a
29 right to appeal to the City Board of Directors. The content of the appeal filing shall consist
30 of the following information delivered to the City Clerk:

31 **Sec. 15-37. - T.R.E.E Fund.**

- 32 (h) In-Lieu Contribution Funds shall be dedicated to planting and maintaining trees on public
33 property and rights-of-way within the area of the site where the trees were removed; within
34 a one (1)-mile radius of the site or as approved by City Staff. The Little Rock City Beautiful

1 Commission, in conjunction with City Staff, shall advise about tree selection, planting
2 guidelines and tree placement.

3 **Article IV - Landscaping of Vehicular Use Areas and Public Rights-of-Way.**

4 **Division I - Generally.**

5 **Sec. 15-81. - Permit Requirements; Landscape Plan.**

6 (b) *Landscape Plan.* Before a Landscape Permit is issued, the Applicant shall submit the
7 required number of copies of a Landscape Plan to the City. When the vehicular use area is
8 accessory to a building or structure, the Landscape Plan should be submitted concurrently
9 with the building and Site Plans of the proposed structure. The Landscape Plan may be
10 shown on the Building Site Plan and need not be a separate drawing. However, development
11 of two (2) acres or more requires the Landscape Plan be affixed with the seal of a Registered
12 Landscape Architect. Development of sites two (2) acres or less requires the Landscape Plan
13 be prepared by a design professional.

14 (c) Information required. The Landscape Plan shall provide at a minimum the following
15 information:

- 16 (1) Names, addresses and telephone numbers of all responsible parties;
- 17 (2) A separate document showing all dimensions, property lines and lease lines;
- 18 (3) North arrow, scale and date of preparation;
- 19 (4) The location, species and size of all existing trees six (6) inches or more diameter
20 at breast height (DBH) to be designated preserved trees and the outline of all tree
21 masses and shrub masses to be preserved including corresponding critical root
22 zones and areas being preserved. The Tree Credit Chart for each preserved tree as
23 described in Section 15-52;
- 24 (5) The location of all proposed plant materials and the common and botanical names,
25 together with the quantity, spacing and size of all plant materials;
- 26 (6) Tree fencing and other methods of protection during construction;
- 27 (7) Extent of irrigation or water sources;
- 28 (8) Phasing lines if development is to be constructed in phases;
- 29 (9) Existing and proposed structures, mechanicals, parking spaces, driveways,
30 sidewalks, dumpster locations and screening, wheel stops and curbing or other
31 vehicular use controls;
- 32 (10) Existing and proposed utility easements and whether the utilities will be above
33 ground or below ground, fire hydrants, and storm sewers. (This would include
34 those in the adjacent right-of-way);
- 35 (11) The location of cuts or fills, drainage, wet or dry detention basins;

1 (12) Planting specifications including soil preparation, staking and necessary measures
2 to ensure plants thrive;

3 (13) A graphic elevation illustration of proposed opaque screening;

4 (14) Procedures and methods to be followed concerning slopes or cuts and associated
5 trees within hillside benches;

6 (15) An overlay identifying the outline of existing tree masses and the predominate tree
7 species, the average DBH and condition of the trees in each mass that are to be
8 preserved;

9 (16) Identification of trees, vegetation and soils that are to be protected or removed;

10 (17) All buffer areas;

11 (18) A statement indicating timetable for commencing and completing work.

12 **Sec. 15-82. - Surety for Deferred Improvements.**

13 (c) Estimates of the cost of deferred improvements shall be prepared by the Project Architect,
14 Engineer, Landscape Architect or Landscape Contractor.

15 **Sec. 15-105. - Flexibility in Applying Standards.**

16 (a) It is the intent of these provisions to allow reasonable and appropriate flexibility for adapting
17 Landscaping Design Standards described in this Chapter to the specific conditions of an
18 individual site as approved by City Officials.

19 **Chapter 23 - Planning and Development.**

20 **Article I - In General.**

21 **Sec. 23-3. - Fees.**

22 (a) Rezoning. The filing fees for submitting Rezoning Applications to the Department of
23 Planning and Development shall be as follows:

24 (b) Subdivision Applications. The filing fees for submitting Subdivision Applications to the
25 Department of Planning and Development shall be as follows:

26 (c) Site Plan Applications, etc. The filing fees for submitting Site Plan Applications and other
27 matters listed below to the Department of Planning and Development shall be as follows:

28 (d) Planned Zoning District Applications. The filing fees for submitting Planned Zoning District
29 Applications to the Department of Planning and Development shall be as follows:

30 (e) Right-of-Way Abandonment and Improvement District Applications. The filing fee of
31 submitting Right-of-Way Abandonment and Improvement District Applications to the
32 Department of Planning and Development shall be One Hundred Twenty-Five Dollars
33 (\$125.00) for each application.

1 (f) Annexation Requests. The filing fee for submitting Annexation Requests to the Department
2 of Planning and Development shall be Two Hundred Fifty Dollars (\$250.00) for each
3 application.

4 (g) Refunds and Refilings. The following provisions shall apply to all applications submitted to
5 the Department of Planning and Development:

6 **Article II - Little Rock Planning Commission.**

7 **Sec. 23-29. - Staff.**

8 (a) In the conduct of its work, the Planning Commission shall utilize the services of the Secretary
9 of the Planning Commission and the staff of the Department of Planning and Development
10 authorized by ordinance. The employment of personnel shall be in conformity with the Civil
11 Service Rules and Regulations.

12 (b) The Director of the Planning and Development Department shall serve as Secretary of the
13 Commission. They shall maintain in his office all documents and records of the Commission,
14 including a record of the minutes of meetings, the current membership, the organization and
15 the rules and regulations of the Commission. They shall set the Commission's Agenda,
16 coordinate City Staff as needed, and provide final recommendations for the Commission.

17 **Chapter 29 - Stormwater Management and Drainage.**

18 **Article I - In General.**

19 **Sec. 29-1. - Definitions.**

20 *Base flood* means the flood profile used as the basis for the National Flood Insurance Program
21 ("NFIP") Regulations. The Federal Government has selected the 1% chance flood as the base
22 flood.

23 *Bond* means any form of security for the completion or performance of the Stormwater
24 Management and Drainage Plan or the maintenance of drainage improvements, including Surety
25 Bond, collateral, property or instrument of credit, or escrow deposit in an amount and form
26 satisfactory to the Department of Planning and Development.

27 *Drainage Approval* means approval given by the Department of Planning and Development in
28 coordination with appropriate Departments, based upon an approved final Stormwater
29 Management and Drainage Plan. The final Stormwater Management and Drainage Plan must
30 accompany the Building Permit Application or be submitted with the Proposed Construction
31 Plans.

32 *Engineer of Record* means a Registered Professional Engineer in the state who shall supervise
33 the design and construction of the project.

1 *Floodplain* means any land area susceptible to inundation by floodwaters from any source. For
2 the purposes of this Code, floodplain refers to the land area susceptible to being inundated by the
3 base flood.

4 *Grading Permit* means the permit issued for grading, clearing, harvesting, filling, excavating,
5 quarrying, tunneling, trenching, construction, or similar activities in the City.

6 *Imminent construction* means the installation of a foundation or erection of a structure within six
7 (6) months following land-alteration activities or as approved by the Department of Planning and
8 Development in coordination with appropriate Departments.

9 *Land alteration* means the process of grading, clearing, filling, excavating, quarrying, tunneling,
10 trenching, construction or similar activities.

11 *Minor Storm Easement* means a publicly maintained area designed to carry the twenty-five (25)-
12 year (or fifty (50)-year for a Central Business District (CBD) area) storm, provide access for
13 maintenance and prevent channel obstructions.

14 *Undisturbed Perimeter Strip* means a perimeter or boundary strip around land areas which have
15 been cleared, cut or filled, which is required to remain in a natural state, including topography,
16 trees and vegetation. Enhancements such as additional landscaping or other treatments may be
17 used if approved by the Department of Planning and Development.

18 *Universal Soil Loss Equation* – Remove this definition in its entirety.

19 **Sec. 29-5. - Amendments.**

20 For the purpose of providing for the public health, safety and general welfare, the Board of
21 Directors may amend the provisions of this Chapter. The Planning and Development
22 Department, in coordination with the Public Works Department, has the responsibility for
23 updating on a continuing basis the Drainage Manual.

24 **Sec. 29-6. - Appeals.**

25 Any person aggrieved by a decision of the Department of Planning and Development may appeal
26 any order, requirement, decision or determination to the Planning Commission. Should a person
27 be aggrieved by the decision of the Planning Commission, he may appeal to a court of competent
28 jurisdiction in accordance with law.

29 **Sec. 29-8. - Enforcement Generally.**

30 (a) It shall be the duty of the Department of Planning and Development to bring to the attention
31 of the City Attorney any violation or lack of compliance herewith.

32 (b) The Department of Planning and Development, in coordination with appropriate
33 Departments, shall be responsible for determining whether the Stormwater Management and
34 Drainage Plan is in conformance with the requirements specified in the Stormwater
35 Management and Drainage Manual. The Department of Planning and Development shall be

1 responsible for determining whether the Development Plan is proceeding in accordance with
2 the approved Drainage Plan. Periodic inspection of the development site shall be made by
3 the Department of Planning and Development to ensure that the Stormwater Management
4 and Drainage Plan is properly implemented and that the improvements are maintained.

5 **Sec. 29-9. - Remedial Work.**

6 If it is determined through inspection that the development is not proceeding in accordance with
7 the approved Stormwater Management and Drainage Plan, and Drainage and/or Building Permit,
8 the Department of Planning and Development shall issue written notice to the permittee and the
9 surety of the nature and location of the alleged noncompliance, accompanied by documentary
10 evidence demonstrating noncompliance and specifying what remedial work is necessary to bring
11 the project into compliance. The permittee so notified shall immediately, unless weather
12 conditions or other factors beyond the control of the permittee prevent immediate remedial action,
13 commence the recommended remedial action and shall complete the remedial work within a
14 reasonable time as determined in advance by the Department of Planning and Development.
15 Upon satisfactory completion of remedial work, the Department of Planning and Development
16 shall issue a Notice of Compliance and the development may proceed.

17 **Sec. 29-10. - Revocation of Permits or Approvals; Stop Orders.**

18 The Department of Planning and Development, in coordination with appropriate Departments,
19 after giving seven (7) days' written notice may revoke the permit issued for any project or portion
20 thereof which is found upon inspection to be in violation of the provisions of this Chapter, and
21 for which the permittee has not agreed to undertake remedial work as provided in Section 29-9.
22 Drainage Permits may also be revoked if remedial work is not completed within the time allowed.
23 Upon revocation of a permit or approval, the Department of Planning and Development shall
24 issue a Stop Work Order. Such Stop Work Order shall be directed to the permittee and he shall
25 immediately notify persons owning the land, the Developer and those persons actually
26 performing the physical work of clearing, grading and developing the land. The Stop Work Order
27 shall direct the parties involved to cease and desist all or any portion of the work on the
28 development or a portion thereof which is not in compliance, except such remedial work
29 necessary to bring the project into compliance.

30 **Sec. 29-11. - Modifications to Stormwater Management and Drainage Manual.**

31 Any modifications to the Stormwater Management and Drainage Manual will be made by the
32 Department of Planning and Development. All modifications will be coordinated with the Public
33 Works Department. Modifications must be consistent with stated policies and the intent of this
34 Chapter.

1 **Article II - Stormwater Management and Drainage System.**

2 **Sec. 29-40. - Management Practices.**

3 The following practices may be used on approval by the Department of Planning and
4 Development.

- 5 (1) *Storage.* Runoff may be stored in temporary or permanent detention basins, or through
6 rooftop, parking lot ponding, or percolation storage, or by other means in accordance
7 with the design criteria and performance standards set forth in this Chapter.
- 8 (2) *Open Channels.* Maximum feasible use shall be made of existing drainageways, open
9 channels and drainage swales that are designed and coordinated with the design of
10 building lots and streets in accordance with the design criteria and performance
11 standards set forth in the Drainage Manual.
- 12 (3) *Curbs.* Streets, curbs and gutters shall be an integral part of the Stormwater Runoff
13 Management System. To the maximum extent possible, drainage systems, street layout
14 and grades, plotting patterns and the location of curbs, inlets and site drainage and
15 overflow swales shall be concurrently designed in accordance with design criteria and
16 performance standards set forth in the Drainage Manual.
- 17 (4) *Enclosed Conveyance Systems.* Enclosed conveyance systems consisting of inlets,
18 conduits and manholes may be used to convey stormwater runoff. Where used, such
19 systems must be designed and performance standards set forth in the Drainage Manual.
- 20 (5) *Other Practices.* The Stormwater Runoff Management Practices enumerated herein
21 shall not constitute an exclusive listing of available management practices. Other
22 generally accepted practices and methods may be approved by the Department of
23 Planning and Development, if the purposes, design criteria and minimum performance
24 standards of this Chapter are complied with.

25 **Sec. 29-41. - Public Responsibilities.**

26 Administration of this Chapter shall be the responsibility of the Department of Planning and
27 Development, which shall review the Stormwater Management Plans to determine the approval,
28 disapproval or modification of these plans as provided herein. The Public Works Department
29 shall be responsible after construction for the operation and maintenance of all drainage structures
30 and improved courses which are part of the Stormwater Runoff Management System under public
31 ownership and which are not constructed and maintained by or under the jurisdiction of any State
32 or Federal Agency.

33 **Sec. 29-43. - Unpermitted Discharges of Dry and Wet Weather Overflows from Sanitary**
34 **Sewers into the City's Municipal Separate Storm Sewer System.**

1 The Operator of the Little Rock Water Reclamation Authority shall eliminate unpermitted
2 discharges of dry and wet weather overflows from sanitary sewers into the City's Municipal
3 Separate Storm Sewer System.

4 **Sec. 29-44. - Infiltration from Sanitary Sewers into the City's Municipal Separate Storm**
5 **Sewer System.**

6 The Operator of the Little Rock Water Reclamation Authority shall limit the infiltration from
7 sanitary sewers into the City's Municipal Separate Storm Sewer System.

8 **Article III - Stormwater Management and Drainage Plans.**

9 **Sec. 29-61. - Generally.**

10 (a) Any person proposing to construct buildings or develop land within the City's Planning
11 Jurisdiction shall submit Drainage Plans to the Department of Planning and Development for
12 approval of a Stormwater Management and Drainage Plan before Building Permits are issued
13 or Subdivisions are approved. No land shall be developed except upon approval by the
14 Department of Planning and Development, in coordination with appropriate Departments.

15 **Sec. 29-62. - Preparation.**

16 The Stormwater Management and Drainage Plan shall be prepared by the Engineer of Record.
17 No Building Permits or Subdivision Approvals shall be issued until and unless the Stormwater
18 Management and Drainage Plan has been approved by the Department of Planning and
19 Development.

20 **Sec. 29-63. - Pre-Preliminary Drainage Plan Review.**

21 A Pre-Preliminary Drainage Plan review with staff is suggested before Preliminary Platting for
22 the purpose of overall General Drainage Concept Review.

23 **Sec. 29-64. - Review of Preliminary Stormwater and Drainage Plan.**

24 A Preliminary Stormwater and Drainage Plan, and accompanying information, shall be submitted
25 at the time of Preliminary Plat submittal. If needed, a review meeting will be scheduled by the
26 Department of Planning and Development with representatives of the Developer, including the
27 Engineer of Record, to review the overall concepts included in the Preliminary Stormwater and
28 Drainage Plan. The purpose of this review shall be to jointly agree upon an overall Stormwater
29 Management Concept for the proposed development and to review criteria and design parameters
30 which shall apply to final design of the project.

31 **Sec. 29-65. - Final Stormwater Management and Drainage Plan.**

32 Following the preliminary Stormwater Management and Drainage Plan review, the final
33 Stormwater Management and Drainage Plan shall be prepared for each phase of the proposed
34 project as each phase is developed. The Final Plan shall constitute a refinement of the concepts
35 approved in the Preliminary Stormwater and Drainage Plan with preparation and submittal of

1 detailed information as required in the Drainage Manual. This plan shall be submitted at the time
2 construction drawings are submitted for approval. No Final Plat is to be approved until the
3 drainage structures approved on the Construction Plans are in place and approved by the
4 Department of Planning and Development.

5 **Sec. 29-66. - Review and Approval of Final Stormwater Management and Drainage Plans.**

6 (a) Final Stormwater Management and Drainage Plan shall be reviewed by Department of
7 Planning and Development. If it is determined according to present engineering practice that
8 the proposed development will provide control of stormwater runoff in accordance with the
9 purposes, design criteria, and performance standards of this Chapter and will not be
10 detrimental to the public health, safety and general welfare, the Department of Planning and
11 Development shall approve the plan or conditionally approve the plan, setting forth the
12 conditions thereof.

13 (b) If it is determined that the proposed development will not control stormwater runoff in
14 accordance with this Chapter, the Department of Planning and Development shall disapprove
15 the Final Stormwater Management and Drainage Plan.

16 **Article IV - Design Criteria and Performance Standards.**

17 **Division 2 - Design Criteria.**

18 **Sec. 29-97. - Method of Determining Stormwater Runoff.**

19 (a) Methods for determining stormwater run-off shall be those designated by the latest City of
20 Little Rock Stormwater Management and Drainage Manual.

21 **Sec. 29-103. - Alternatives to On-Site Detention.**

22 Alternatives to on-site detention are as follows:

23 (6) Watershed Boundaries. The boundaries of watersheds and priority of acquisition of
24 Regional and Sub-Regional Detention Sites in construction of detention facilities and
25 location thereof shall be established by the Department of Planning and Development
26 and approved by the Planning Commission.

27 **Division 3 - Performance Standards.**

28 **Sec. 29-127. - Easements.**

29 (a) Drainage easements required to facilitate maintenance, detention and conveyance of
30 stormwater shall be provided and shown on the preliminary and Final Plat. There are two
31 (2) types of easements that are to be determined by the Engineer of Record and shown on the
32 Preliminary Final Plat. These are:

33 (1) Minor Storm Easements. Easements designed to carry the minor storm (twenty five
34 (25)-year design frequency). The minor storm easements are primarily for carrying

1 flow from the Twenty-Five (25)-Year Storm, maintenance access, utility locations
2 and are to be kept clear of any obstructions.

3 (2) Major Storm Easements. Privately maintained easements designed to carry the
4 major storm (100-year design frequency). The major storm easements shall be kept
5 free of obstructions, such as fill or fences that would impede the flow of the 100-
6 Year Design Storm. Properly designed landscaping that does not impede the flow
7 of floodwater or endanger adjacent property is acceptable.

8 (b) Drainage Easements shall be dedicated to the City when required through the development
9 review and approval process.

10 **Article V - Bonds, Maintenance Assurances and Drainage Approvals.**

11 **Sec. 29-146. - Maintenance Agreement.**

12 (a) A Maintenance Agreement, assuring perpetual maintenance of stormwater management
13 improvements shall be agreed upon by the City and the Applicant.

14 **Sec. 29-147. - Maintenance Bond.**

15 A one (1)-year Maintenance Bond against defects in workmanship shall be required for any
16 portion of the stormwater management improvements dedicated to the public.

17 **Sec. 29-148. - Drainage Permits and/or Approvals.**

18 Upon approval of the final Stormwater Management and Drainage Plan, and acceptance and the
19 Applicant's assurances of performance and maintenance as provided in this Chapter, the
20 Department of Planning and Development, in coordination with appropriate Departments, shall
21 approve the plan. Project approval shall be issued in the name of the Applicant who shall then
22 be known and thereafter be referred to as the permittee. An approved permit shall set forth the
23 terms and conditions of the approved Stormwater Management and Drainage Plan.

24 **Sec. 29-149. - Engineer of Record.**

25 Should the original Engineer of Record be prevented from completing the project, the permittee
26 shall employ another qualified Engineer and notify the Department of Planning and Development
27 immediately.

28 **Article VI - Land Alteration Regulations.**

29 **Division 1 - Generally.**

30 **Sec. 29-172. - Hearing before Planning Commission.**

31 Appeals of a Notice of Violation as provided for in Subsection 29-170(e), a Grading and Drainage
32 Plan decision, or a Restoration Plan requirement as provided in Section 29-196 shall be heard by
33 the Planning Commission provided an appeal is filed by the Applicant within ten (10) calendar
34 days after the date of the Notice of Violation, administrative fee(s) are paid and proper public

1 notice is given. Any hearing before the Planning Commission regarding such appeal will be
2 conducted in the following manner:

3 (a) The appellant shall submit an application and fee as provided in Section 29-193 to the
4 Department of Planning and Development within the time limits provided for in Subsection
5 29-170(e). The appellant shall provide: 1) a cover letter that clearly sets forth the provisions
6 of the Article that are being appealed; and 2) a copy of all pertinent graphic materials or
7 correspondence. Appealable issues are as follows:

8 (b) Certified-mail notice of all appeals shall be given by the Applicant to adjacent property
9 owners, including those across a street or alley from the subject property, at least ten (10)
10 days prior to the Planning Commission Meeting at which the appeal is to be considered. At
11 least three (3) business days prior to the hearing, the appellant shall provide Proof of Notice
12 to the Director of the Planning and Development Department. Failure to provide the required
13 notice will cause the appeal to the Planning Commission to be dismissed, although minor
14 irregularities in the giving of notice may be waived by the Commission.

15 **Division 2 - Grading Permit and Grading and Drainage Plan.**

16 **Sec. 29-186. - Grading Permit Required.**

17 (a) Any person proposing to engage in clearing, filling, cutting, harvesting, quarrying,
18 construction or similar activities regulated by this Chapter shall apply for a Grading Permit
19 by means of a Grading Permit Application obtained from the City as specified in this Chapter.
20 The City shall review the submitted documentation within ten (10) working days. Grading
21 Permits shall not be issued while applications are incomplete. A Landscape Permit as
22 required in Chapter 15 shall be obtained from the City before constructing or expanding a
23 vehicular use area. Additionally, a permit is required when expanding or rehabilitating a
24 building and landscaping is required under this Chapter. Except as otherwise provided in
25 Chapter 15, the responsible party shall not allow the removal of more than seven (7) trees
26 within any given twelve (10)-month period without first obtaining a Grading Permit. No
27 land shall be altered or cleared to the extent regulated in this Chapter unless approved by a
28 permit.

29 (b) No land alteration shall be permitted until all necessary City approval of all plans and permits,
30 except Building Permit, have been issued and construction is imminent. Clearing and
31 grading for streets and drainage improvements may be done on residential Subdivisions
32 provided the Preliminary Plat has been approved. In those cases where filling or cutting in
33 areas with seven (7) or fewer trees is to be done, the area is to be graded suitable for mowing
34 and shall be revegetated within twenty-one (21) calendar days of grading completion. If
35 building construction has not commenced and been diligently pursued within six (6) months

1 of Grading Permit issuance or as approved by appropriate City Officials, then all disturbed
2 areas must be restored in accordance per the approved Landscape Plan. Landscaping and
3 tree requirements in the buffers shall be installed, unless the City Official determines that the
4 existing buffers on the site meet the Landscape Planting Requirements of Chapter 15 and
5 Zoning Requirements of Chapter 36 of this Code.

- 6 (f) When the application is for a Planned Zoning District, Conditional Use Permit or
7 Subdivision, a Sketch Grading and Drainage Plan shall be required in the application to the
8 Planning Commission only if any of the activities specified in Subsection (d) are involved.

9 **Sec. 29-187. - Exemptions and Variances.**

10 (a) A Grading Permit shall not be required for:

11 (1) Construction on properties in the City: i) all properties two (2) acres or less zoned
12 Single- or Two-Family Districts, R1, R2, R3, R4 or R7A, and residentially zoned
13 property five (5) acres or less fronting on a residential street. All Grading and
14 Erosion Control Requirements for these properties will fall under the Building
15 Permit.

16 (2) Emergency work or repairs to protect health, safety and welfare of the public.
17 Removal of damaged or diseased trees will be permitted by staff upon certification
18 by the appropriate City Official of the condition of the trees sought to be removed;
19 and,

20 (3) Mining and mining operations because these activities are covered by the Arkansas
21 Open Cut Land Reclamation Act [A.C.A. § 15-57-301, et seq., as amended], which
22 is regulated by the State Department of Environmental Quality.

23 These exemptions from obtaining a permit do not relieve the property owner and/or Applicant
24 from taking measures to protect neighboring public and private properties from damage by
25 exempted activities. If a land alteration activity causes damage to off-site property or water, the
26 responsible party shall mitigate the damage and install such additional erosion controls, as
27 approved by the appropriate City Official, to prevent further damage.

28 (b) The Planning Commission may grant variances from the standards set forth in this Article
29 provided that a variance request is filed by the Applicant, fee(s) are paid, and proper public
30 notice is given. The Applicant shall submit a variance request application and fee as provided
31 in Section 29-193 to the Director of the Department of Planning and Development. As part
32 of the application, the Applicant shall provide:

33 **Sec. 29-188. - Contents of Grading and Drainage Plans.**

34 (a) The Sketch Grading and Drainage Plan shall identify the following:

1 (7) Seal and signature of a Registered Engineer, Architect, or Landscape Architect,
2 qualified under State Regulations to certify that the Sketch Grading and Drainage
3 Plan complies with this Chapter. However, plans for less than two (2) acres, or
4 residentially zoned areas less than five (5) acres, where cuts or fills are not greater
5 than ten (10) feet in height or where only tree clearing activities are to be undertaken,
6 may be prepared by a Contractor or the property owner upon City approval.

7 (b) A Final Grading and Drainage Plan shall include the following information prior to issuance
8 of Grading and Special Flood Hazard Development Permits:

9 (5) Soil-loss calculations as contained in the Stormwater Management and Drainage
10 Manual.

11 **Sec. 29-189. - Issuance Procedure.**

12 (a) The following procedure shall be implemented for the issuance of a Grading Permit:

13 (1) The City Official shall approve, disapprove or recommend modification of the
14 Grading and Drainage Plan in writing within ten (10) working days after the date of
15 the submittal of a completed application.

16 (b) Upon approval of the final plan, the City shall issue a Grading Permit contingent upon the
17 approval of other governing agencies as applicable. A Superintendent capable of
18 understanding the plans and with authority to issue orders to employees performing the land
19 alteration shall properly supervise the land alteration activities.

20 (f) Substantial changes to plans as determined by the appropriate City Official in sketch or final
21 form shall only be permitted by the Planning Commission.

22 **Sec. 29-190. - Grading and Drainage Plan Requirements.**

23 Preparation of Grading and Drainage Plans shall follow the Stormwater Management and
24 Drainage Manual and shall be designed on the basis of the following considerations:

25 (1) A maximum of thirty (30) vertical feet of fill or excavation (such as three (3), ten
26 (10)-foot vertical terraces or two (2), fifteen (15)-foot vertical terraces) is permitted;
27 however, additional development areas may be constructed a minimum of 150 feet
28 in width and at a slope of no more than 8%. The maximum of thirty (30) feet of fill
29 or excavation may again be utilized.

30 b. If a terrace is in a straight line more than 200 feet, a breakup of the terrace
31 is required for each 200 feet. The break can be achieved by means of a
32 curved section, jog, or visual aesthetic as approved by staff.

33 f. If the slope of the cut or fill is faced with an architectural stone wall, the
34 terrace plantings are to consist of a minimum of two (2) rows of trees four

1 (4) feet between the rows, staggered not more than twenty (20) feet on
2 centers or as approved by the appropriate City Official.

3 h. Slopes steeper than 3:1 may be allowed for street improvements in the right-
4 of-way due to rock outcropping or extreme slope intercepts if approved by
5 the appropriate City Official.

6 **Sec. 29-193. - Fees.**

7 A fee for each Grading Permit shall be paid to the City as follows:

8 Total Project Area	Fee
9 Less than ½-acre	\$100.00
10 ½ to 1-acre	\$200.00
11 Greater than 1-acre	\$200.00 for first acre, \$100.00 for each additional acre.

12 Fees for each Grading Permit will double if the Grading Permit is issued after a Notice of
13 Violation(s) has been issued for violation(s) of the land alteration regulations that have occurred
14 on the subject property.

15 A fee for each appeal and variance shall be paid to the City as follows:

16 Flat fee \$50.00, plus \$5.00 per acre of the total project area.

17 **Sec. 29-194. - Inspection and Compliance.**

18 (a) The Department of Planning and Development shall be responsible for determining whether
19 construction is proceeding according to the approved Grading and Drainage Plan.

20 **Sec. 29-196. - Land Restoration Requirements.**

21 All land restoration corrective action activities resulting from land alteration violations shall
22 comply with following conditions:

23 (1) Submit site restoration and erosion control plans to Department of Planning and
24 Development. Prior to any restoration work, a release of affected Departments will
25 be obtained.

26 (10) All restoration work is to be guaranteed by the responsible party in the form of cash,
27 Surety Bond or Letter of Credit as referenced in Subsection 31-431(2) for two (2)
28 years following its installation and approval by the Department of Planning and
29 Development.

30 **Chapter 30 - Streets and Sidewalks.**

31 **Article I - In General.**

32 **Sec. 30-2. - Review of Plans.**

33 All plans concerning engineering, construction or maintenance work within the public rights-of-
34 way, except for emergencies, shall be submitted to the Department of Planning and Development
35 for review and review and approval by appropriate Department. Work done as emergency work

1 shall be reported to the Department of Planning and Development and in matters of existing
2 public easements or right-of-way, the Public Works Department, no later than the first working
3 day following the work.

4 **Sec. 30-3. - Programming Data and Preliminary Plans Required Prior to Major Construction**
5 **Project within the Public Rights-of-Way.**

6 A person who plans a major construction project or an extensive maintenance-replacement
7 project which is located upon, in, under or above the public rights-of-way of an arterial or
8 collector street, as defined by the most current Master Street Plan, shall submit programming data
9 and Preliminary Plans for the project to the Department of Planning and Development for
10 coordination and review with the Public Works Department prior to beginning any work within
11 the rights-of-way. Implementation of the review procedures ordinance will be done with each
12 utility consistent with existing Franchise Agreements and will be documented in a Memorandum
13 of Understanding between each utility and the Public Works Department.

14 **Article II - Construction of Curbs, Driveways, Sidewalks, Etc.**

15 **Sec. 30-30. - Appeals.**

16 Any interested person aggrieved by a decision of any Administration Official of the Department
17 of Planning and Development in administering the provisions of this Article may appeal to the
18 Board of Directors.

19 **Sec. 30-31. - Compliance.**

20 It shall be unlawful for any person to construct, reconstruct, alter, remove or replace any curb,
21 curb and gutter, sidewalk, or driveway on public property within the City except under the
22 supervision of Department of Planning and Development, and in matters of construction of public
23 projects contracted with or performed by public works, the Public Works Department and in
24 accordance with the provisions of this Article.

25 **Sec. 30-32. - Waivers.**

26 The Department of Planning and Development and in matters of construction of public projects
27 contracted with or performed by public works, the Public Works Department may waive any of
28 the provisions of this Article. A record of the waiver and the reasons therefor shall be retained
29 by the Department.

30 **Sec. 30-34. - General Authority.**

31 (a) The representative of the Department of Planning and Development and Public Works
32 Department may suspend work pursuant to this Article when necessary to ensure good work
33 or when in the public interest. No such suspension shall ordinarily extend longer than one
34 (1)-week.

1 (d) If the street, curb and gutter, corner radius, or sidewalk has not been constructed, is
2 inadequate, or is in a state of disrepair, and an application for the permit required by this
3 Article is made, the City may, if the location and grade of such street curb and gutter or
4 sidewalk can be established, require the construction or reconstruction of such street curb
5 and gutter, corner radius, or sidewalk according to the provisions of this Article.

6 **Sec. 30-37. - Permit.**

7 (a) It shall be unlawful for any person to construct, reconstruct, alter, remove or replace any curb,
8 curb and gutter, sidewalk, or driveway on public property without a permit issued from the
9 Department of Planning and Development, in coordination with the Public Works
10 Department.

11 (b) Before a permit may be issued, the abutting property owner, or his duly authorized agent,
12 shall submit an application therefore in writing with a plan which is made a part of such
13 application showing the location, design and layout of the proposed improvement. Where
14 an application for a permit is made for improvements on land, or for addition(s) or
15 alteration(s) to improvements already situated on land, which have been not subdivided or
16 platted into the desired ultimate divisible units or lots thereof, the Applicant shall show on
17 the plan submitted with the application the proposed boundaries of the individual tract of
18 land on which such improvements shall be constructed with all appurtenant structures and
19 areas which will comprise the whole of the separate house, apartment, or business. Such
20 tract as shown on the plan shall constitute the "abutting property" within the meaning of this
21 Article.

22 **Sec. 30-38. - Bond.**

23 (a) The Department of Planning and Development shall not issue any permit pursuant to this
24 section until the Applicant has posted a bond with the City Clerk.

25 **Sec. 30-39. - General Responsibilities of Person Doing Work.**

26 (a) It shall be unlawful for any person to lay, construct, build, repair, rebuild or in any manner
27 work on any of the sidewalks, curbs, gutters, streets, alleys or public thoroughfares within
28 the City without first having obtained City review and approval and any necessary permits.

29 (b) Work performed by a Contractor shall, in addition to the above, obtain a permit from the City
30 to perform each separate job of construction of any sidewalk, curb, gutter or driveway.

31 **Sec. 30-40. - General Specifications.**

32 (a) For the purposes of this Article improvements within the public right-of-way and street shall
33 include street construction, reconstruction and improvements, construction replacement
34 and/or repair of sidewalks, curbs, gutters and appurtenant drainage facilities including catch
35 basins, and driveways connecting private property to public streets. All construction and

1 improvements performed under the authority of this Article shall comply with the City of
2 Little Rock Technical Specifications as contained within the Contract Conditions and
3 Specifications, latest edition. The required widths for all improvements under this Article
4 shall be according to the Adopted Master Street Plan of the City.

- 5 (b) All work under this Article shall be done in accordance with the City's Standard Plans and
6 Specifications for the construction of street curbs and gutters. All construction shall be done
7 under the supervision and inspection of the appropriate Department.

8 **Sec. 30-43. - Layout and Design Generally.**

- 9 (a) The design, layout and plans for the construction, reconstruction, alteration or replacement
10 of all sidewalks, curbs and gutters, driveways, both private and commercial, shall conform
11 and be constructed according to the design and layout as described below and as permitted
12 by Department of Planning and Development.

- 13 (1) All curb radii shall be a minimum of five (5) feet and a maximum of fifty (50) feet.

14 A point of tangency shall not extend beyond a line drawn from the point of
15 intersection of a property line with the right-of-way line of a street and perpendicular
16 to the centerline of the street. All curb radii shall be tapered to meet the grade of the
17 outer edge of the sidewalk as provided.

- 18 (2) Driveways:

- 19 a. No driveway shall be constructed within five (5) feet of a line drawn from
20 the point of intersection of a property line with the right-of-way line of a
21 street and perpendicular to the centerline of the street, except where property
22 abuts an alley the minimum distance shall be ten (10) feet. The maximum
23 opening of a residential driveway shall not exceed twenty (20) feet. The
24 twenty (20)-foot width limitation shall not apply to a paved driveway to a
25 garage or carport, provided the paved driveway does not exceed the width
26 of the garage or carport and the distance from the right-of-way to the
27 entrance of the garage or carport is less than fifty (50) feet. Limit to two (2)
28 car garages. The maximum opening of a commercial driveway shall not
29 exceed forty (40) feet.

- 30 (5) The maximum cross slope of sidewalk shall be as allowed per the Americans with
31 Disabilities Act of 1990.

32 **Sec. 30-45. - Curbs for Off-Street Parking Areas.**

- 33 (5) A reinforced precast curb or fence equivalent to this curb may be used upon approval
34 by the Department of Planning and Development.

35

1 **Sec. 30-46. - Sidewalk Steps or Offsets.**

2 No step or offset shall be constructed in any sidewalk outside property lines.

3 **Sec. 30-48. - Sidewalk Width and Driveway Aprons.**

4 The width of all sidewalks shall be a minimum of five (5) feet and inner edge shall be one (1)-
5 foot from the property line. Greater widths may be required where necessary due to pedestrian
6 needs. No driveway apron shall extend out into the street further than the face of the curb, nor
7 into the gutter area; provided, however, the apron area shall be paved from the sidewalk to the
8 street pavement where no curb or gutter section is established.

9 **Sec. 30-50. - Provisions for Disabled Persons.**

10 In order to provide adequate and reasonable access for the safe and convenient movement of
11 disabled persons, the design, layout, and plans for the construction, reconstruction, alteration
12 and/or replacement of all curb cuts, walks and sidewalks, ramps and driveways, both private and
13 commercial, shall conform and be constructed according to the design and layout as described in
14 design standards which shall comply with the Americans with Disabilities Act of 1990 and shall
15 be approved by the Department of Planning and Development. In particular, curb cuts and access
16 ramps should be provided at the following locations:

17 **Article III - Standards for Construction of Streets, Storm Sewers, Etc.**

18 **Division 1 - Generally.**

19 **Sec. 30-77. - Design Classification.**

20 Flexible and rigid pavement design shall be done in accordance with the American Association
21 of State Highway and Transportation Officials (AASHTO) Guide for Design of Pavement
22 Structures, latest edition.

23 **Sec. 30-78. - Thickness Requirements for Rigid Pavements. - Remove in its Entirety.**

24 **Sec. 30-79. - Thickness Requirements for Flexible Pavements. - Remove in its Entirety.**

25 **Sec. 30-80. - General Requirements for Storm Sewers.**

26 The capacity of all storm sewers shall be determined by using a rational approach, giving due
27 consideration to rainfall intensity, soil characteristics, proper runoff coefficients, slope, and the
28 hydraulic properties of the pipes used. Interceptors should be placed at intervals not to exceed
29 600 liner-feet, except under special conditions as approved by the Department of Planning and
30 Development and in matters of construction of public projects contracted with or performed by
31 public works, the Public Works Department. The designed rainfall intensity shall be based on
32 four (4) inches per hour except in new Subdivisions, where the rainfall intensity shall be based
33 on a time of concentration of at least a once in ten (10)-year expectancy as determined from local
34 rainfall records. The minimum design velocity shall not be less than two and one-half (2½) feet
35 per second. The maximum design velocity shall not exceed ten (10) feet per second.

1 **Sec. 30-81. - Approval of Plans and Specifications.**

- 2 (a) In this section "specifications" means all terms and stipulations contained in the written
3 portion of information furnished. Documentation shall be submitted to the Department of
4 Planning and Development by the owner's Engineer prior to receiving contractors' bids on
5 the proposed improvements regulated by the provisions of this Article. The main body of
6 the specifications shall include such information and requirements as is necessary to produce
7 and define a first-class, workmanlike job. Attached to each of the three (3) copies of the
8 specifications submitted shall be the Soil Analysis Report of a reputable testing laboratory,
9 if applicable.
- 10 (b) The plan shall be defined collectively as all of the drawings pertaining to the contract and
11 made a part thereof, and also such supplementary drawings as the engineer may issue from
12 time to time in order to clarify the drawings, or for the purpose of showing changes in the
13 work, or for showing details not previously shown. Documents shall be submitted to the
14 Department of Planning and Development prior to receiving contractors' bids on the proposed
15 improvements. The plan shall show the plan, profile and cross-section of the proposed
16 improvement, and shall specifically show, by dimensions, alignment, and right-of-way
17 widths, the gradient and vertical curve data, and shall indicate drainage structures as to
18 location, size, material and gradients.
- 19 (c) The Department of Planning and Development has the option to require from the owner's
20 Engineer, copies of all notes and calculations pertaining to any information or drawings
21 contained in the plans and specifications. The Department of Planning and Development
22 shall send documentation of approval for the plans and specifications when the plans and
23 specifications meet the requirements of the City. Once a submittal is complete, the Director
24 of the Department of Planning and Development shall approve or disapprove these plans and
25 specifications within ten (10) days or they shall be automatically approved.

26 **Sec. 30-82. - Bonds, Insurance, etc.**

27 Contractors submitting bids for work regulated by this Article must be licensed under the terms
28 of A.C.A. tit. 17, Chapter 25 [A.C.A. § 17-25-101, et seq.] and furnish satisfactory proof of all
29 Insurance, Statutory Performance Bonds, and Maintenance Bonds as specified below:

- 30 (3) Maintenance Bonds. The Contractor shall furnish a one (1)-year Maintenance Bond,
31 in the amount of 50% of the total cost price, which shall be in full force and effect
32 from the date of the appropriate City Official's Documentation of Approval of
33 construction. Prior to the end of the one (1)-year period covered by the Maintenance
34 Bond, the Public Works Department shall make an inspection of the work, and shall
35 notify the owner's Engineer or Contractor of all defects which must be corrected prior

1 to the City's acceptance of full maintenance of the work. When the work meets the
2 requirements of the City, the Public Works Department shall provide documentation
3 of approval and acceptance for City maintenance.

4 **Division 2 - Rigid Pavements.**

5 **Sec. 30-109. - Placing of Concrete.**

6 (a) No pouring of concrete on any street shall begin without notifying the Public Works
7 Department at least twelve (12) hours prior to beginning operations. If the Department of
8 Planning and Development and in matters of construction of public projects contracted with
9 or performed by public works, the Public Works Department does not inspect the base within
10 the twelve (12)-hour period, the base shall be deemed approved. Concrete shall not be placed
11 until the subgrade has been checked and accepted by the Engineer. All forms shall be set
12 and securely staked to the lines and grades established by the owner's Engineer. The concrete
13 shall be deposited on a thoroughly wetted subgrade in such a manner as to minimize
14 rehandling, and shall be deposited in one (1) course. Spading or vibrating shall be required
15 adjacent to all forms and joints. Placing shall be a continuous operation without bulkheads
16 as nearly as is practical. Concreting operations will not be permitted when a descending air
17 temperature falls below 40° Fahrenheit, nor resumed until an ascending air temperature
18 reaches 35° Fahrenheit. The City will not accept any pavement which has been damaged by
19 frost. Under no circumstances shall the placing of concrete on a frozen subgrade be
20 permitted.

21 **Sec. 30-112. - Tests.**

22 (a) Tests as outlined in this Section shall be made during and after paving is completed in order
23 to determine the consistency, air content, strength, thickness, and surface variations for each
24 strength, of concrete placed. All tests except slump and air content tests when they are
25 performed by the Engineer shall be made by a reputable testing laboratory and shall be at the
26 Contractor's expense. Results shall be sent directly to the owner's Engineer and the
27 Department of Planning and Development and in matters of construction of public projects
28 contracted with or performed by public works, the Public Works Department by the
29 laboratory.

30 **Sec. 30-113. - Final Inspection.**

31 Prior to final inspection, the Contractor shall be required to make a general cleanup of the
32 construction area. The pavement, curbs, and all appurtenances shall be properly backfilled,
33 and shall be clean and free from fractures, spalling, or defects. Providing all construction
34 meets the requirements of the City, a Letter of Approval of Construction shall be written by
35 the Department of Planning and Development and in matters of construction of public

1 projects contracted with or performed by public works, the Public Works Department. The
2 City's acceptance for maintenance shall be in accordance with required Maintenance Bonds.

3 **Division 3 - Flexible Pavements.**

4 **Sec. 30-143. - Placing Crushed Stone Base Course.**

5 The base course shall be placed in courses not to exceed six (6) inches in compacted
6 thickness, each course having compacted thickness as directed by the owner's engineer. The
7 base material shall be spread the same day it is hauled, and shall be thoroughly mixed by
8 approved mechanical equipment to secure a uniform distribution of the fine and course
9 particles. Proper compaction shall be 95% modified Proctor with one (1) Field Density Test
10 required per 1,000 square-yards of base compaction. If the crushed stone meeting the
11 gradation requirements specified is deficient in material passing the No. 40 sieve after it has
12 been processed and shaped as above outlined, additional binder or filler material shall be
13 furnished and applied in the amounts directed by the owner's Engineer. The Department of
14 Planning and Development and in matters of construction of public projects contracted with
15 or performed by public works, the Public Works Department shall be notified at least twelve
16 (12) hours prior to placing prime to permit checking the base for stability, line grade, and
17 crown. If the Department of Planning and Development and in matters of construction of
18 public projects contracted with or performed by public works, the Public Works Department
19 fails to make an inspection after proper notification within the such twelve (12)-hour period,
20 the base will be deemed approved.

21 **Sec. 30-147. - Tests.**

- 22 (a) Tests of all materials used in the base course and wearing surface shall be made during and
23 after paving is completed in order to control and determine the quantity, quality, and
24 thickness of the various materials placed. All tests shall be made by a reputable testing
25 laboratory and shall be at the Contractor's expense. Results shall be mailed directly to the
26 owner's engineer and the Department of Planning and Development and in matters of
27 construction of public projects contracted with or performed by public works, the Public
28 Works Department by the laboratory. The laboratory report shall show the sieve analysis in
29 percent passing, batch weight in pounds for the various materials used, temperatures of
30 mixture, and an analysis of the surface course mixture leaving the plant. Only current
31 American Society for Testing and Materials (ASTM) Standard Methods shall be employed.
32 At least one (1) test shall be taken for each 400 tons of asphaltic material but not less than
33 one (1) per day.
34
35

1 **Sec. 30-148. - Final Inspection.**

2 Prior to final inspection, the Contractor shall be required to make a general cleanup of the
3 construction area. The pavement, curbs, and all appurtenances shall be properly backfilled,
4 and shall be clean and free from fractures, spalling or defects. Providing all construction
5 meets the requirements of the City, a Letter of Approval of Construction shall be written by
6 the Planning and Development Department and in matters of construction of public projects
7 contracted with or performed by public works, the Public Works Department. The City's
8 acceptance for maintenance shall be in accordance with required Maintenance Bonds.

9 **Division 4 - Storm Sewers, Drains, Sidewalks, etc.**

10 **Sec. 30-173. - Excavation and Fills in the Right-of-Way.**

11 (f) Where rock is to be incorporated in fills composed largely of earth or friable materials, the
12 rock shall be reduced to a maximum size of six (6) inches with the further provision that no
13 rock of six (6)-inch maximum size be within six (6) inches of the finished subgrade.
14 Subgrade compaction shall extend a minimum distance of one (1)-foot beyond the outside
15 edges of the pavement and/or curb and gutter, and a maximum distance as determined by the
16 width of right-of-way. Except as otherwise provided, the top six (6) inches of subgrade in
17 every area shall be compacted to 95% of maximum density obtained at optimum moisture
18 content, as determined by the modified Proctor Compaction Test. The owner's Engineer shall
19 notify the Department of Planning and Development and in matters of construction of public
20 projects contracted with or performed by public works, the Public Works Department at least
21 twelve (12) hours prior to placing any material on the completed subgrade in order that the
22 appropriate Department may check the line, grade, and crown of the subgrade. If the
23 appropriate Department does not make the inspection after proper notification within the
24 twelve (12)-hour period the subgrade shall be deemed approved.

25 (g) In those instances where more than one (1) inspection by the Department of Planning and
26 Development and in matters of construction of public projects contracted with or performed
27 by public works, the Public Works Department is necessary due to what is determined by the
28 first inspection to be unsatisfactory construction an inspection fee of Twenty-Five Dollars
29 (\$25.00) shall be assessed against the Contractor for each such additional inspection.
30 Provided; however, where there is evidence that such unsatisfactory construction resulted by
31 reason of an Act of God, or through no fault of the Contractor or owner then no such
32 Inspection Fee shall be assessed regardless of the number of inspections necessary.

33 (h) Upon completion of all excavation and fill within the right-of-way, the Planning and
34 Development Department and in matters of construction of public projects contracted with
35 or performed by public works, the Public Works Department may require additional Proctor

1 Density Tests at any given location to determine the compaction of the subgrade. The costs
2 of all tests shall be borne by the Contractor.

- 3 (i) All utility lines under any improvement shall be laid prior to setting any forms for
4 construction. As soon as the joints of the utility lines have hardened to such an extent that
5 they will not be damaged by backfilling, suitable materials from the spoil bank shall be
6 brought up in compacted layers not exceeding eight (8) inches in depth of loose material.
7 The first layer shall not extend above the spring line of the pipe in any case. Compaction of
8 backfill shall be carefully and thoroughly done so as not to displace utility lines from their
9 original positions. All the backfill materials shall be at optimum moisture, and shall meet
10 density requirements outlined in this section. Every Subdivision or Improvement District
11 installing utility lines underground within the right-of-way of the public streets in this City
12 and all public utilities, including municipal-owned utilities, shall post with the City Collector,
13 a Surety Bond of Five Thousand Dollars (\$5,000.00), approved by the City Attorney,
14 conditioned so as to guarantee compliance with the specifications provided for in this
15 Division, which shall include the costs of tests and repairs. If the Engineer of the project or
16 the Department of Planning and Development and in matters of construction of public
17 projects contracted with or performed by public works, the Public Works Department
18 questions the matter of compliance with specifications, then he shall direct that a Density
19 Test be made, the findings of which shall be conclusive.

20 **Sec. 30-177. - Construction of Sidewalks.**

- 21 (a) All sidewalks shall be constructed to the grades heretofore established for the streets on
22 which sidewalks are to be laid. Sidewalks shall be constructed with a flat surface and shall
23 be pitched toward the curb at the rate of ¼-inch per foot, unless otherwise directed by the
24 appropriate City Official. The width of sidewalks in all residential areas shall be five (5) feet
25 except in the case of repairs to existing sidewalks, in which case the repairs shall conform to
26 the present width.

27 **Sec. 30-180. - Final Inspection.**

28 Prior to final inspection, the Contractor shall be required to make a general cleanup of the
29 construction area. All backslopes of cut and fill areas and backfills of storm sewers, catch basins,
30 drop inlets, junction boxes, subdrain tiles, sidewalks, and other structures shall be properly
31 dressed to a firm, neat, and clean surface, free from defects of any kind. Providing all
32 construction meets the requirements of the City, the Department of Planning and Development
33 and in matters of construction of public projects contracted with or performed by public works,
34 the Public Works Department shall issue approval.

35

1 **Sec. 30-181. - Amendments.**

2 For the purpose of providing for the public health, safety and general welfare, the Board of
3 Directors may amend the provisions of this Chapter. The Public Works Department has the
4 responsibility for updating on a continuing basis the City of Little Rock Technical Specifications
5 for Public Works and Facilities Improvements.

6 **Division 5. Diagrams - Remove this Division in its Entirety.**

7 **Article IV - Barricading of Construction in Public Rights-of-Way.**

8 **Sec. 30-219. - Requirements of Barricade Plan.**

9 The Public Works Department shall have the power to make reasonable regulations for the
10 barricading of construction areas within the right-of-way. The City may require, as a part of any
11 Barricade Plan, that the Applicant maintain such barricades, signals, signs, or other traffic-control
12 or safety devices according to such regulations. The City may require that work be done only at
13 certain hours during the day or night, that materials or equipment used in such work and dirt and
14 materials removed from any excavation be located other than adjacent to the work area where
15 feasible, and that any excavation be covered with materials of sufficient strength and construction
16 to permit vehicular traffic to pass over such excavation at peak traffic hours, where such
17 requirements are necessary in the interests of safety and to avoid traffic congestion.

18 **Article VI - Boundary Street Improvements and Right-of-Way Dedications.**

19 **Sec. 30-279. - Administration.**

20 (b) The Department of Planning and Development shall be responsible for requiring
21 improvements in the public rights-of-way for all other construction.

22 (c) The Finance Department shall be responsible for receiving, recording, depositing and
23 reporting in-lieu cash contributions as determined by the planning commission or the
24 Department of Planning and Development. The Finance Department shall maintain a
25 Boundary Street Improvement Account and shall furnish a yearly report summarizing the
26 account to the Public Works Department. This report shall include both the principal and the
27 interest earned for the accounting period.

28 (d) The Public Works Department shall maintain records of in-lieu cash contributions and shall
29 prepare a yearly summary report.

30 **Sec. 30-280. - Appeals.**

31 Any person aggrieved by an action or omission of the Department of Planning and
32 Development in administering the provisions of this Article shall have the right of appeal.
33 Subdivision matters shall be appealed to the Planning Commission. All other construction
34 project matters shall be appealed to the Mayor.

1 **Sec. 30-281. - General Requirements.**

2 (a) No person shall construct, reconstruct, alter, remove or replace any curb, curb and gutter,
3 section of street, sidewalk, handicapped access ramp, drainage structure, or driveway on
4 public property within the City without first having obtained a permit from the Department
5 of Planning and Development. All construction, reconstruction, alteration, removal or
6 replacement required by this Article shall conform to the approved design standards of the
7 Department. The Developer or owner shall dedicate rights-of-way and construct Boundary
8 Street Improvements as required in the Master Street Plan and Chapter 31.

9 **Sec. 30-282. - In-Lieu Requirements.**

10 In-lieu cash contributions may be allowed if:

11 (1) The horizontal alignment of the existing street pavement or right-of-way is such that
12 the required minimum radius centerline alignment is not obtainable without
13 participation of adjacent properties not being developed, or, where the alignment
14 would result in an unreasonable burden, as determined by the appropriate
15 Department. Maximum width of construction shall be ½ of the street.

16 (8) In lieu of constructed improvements, the Developer shall contribute to the City a
17 cash payment equal to 100% of a Registered Professional Estimate of cost of
18 construction, minus any temporary construction for site access or drainage that may
19 be incorporated in future permanent construction, as approved by the Department of
20 Planning and Development. The Department of Planning and Development shall
21 determine the required cash payment. When no major construction or reconstruction
22 is proposed, the Developer may contribute a cash payment equal to a linear-foot cost
23 as determined by the Department of Planning and Development, utilizing mean
24 averages construction cost determined by the Public Works Department. In lieu of
25 cash contributions shall be required only on projects listed in the most current Master
26 Street Plan. In lieu contributions shall be reimbursed with interest, as determined by
27 the Finance Department, when not expended within ten (10) years from the date of
28 permit approval. Those contributions placed in lieu as a requirement of Chapter 31
29 or 36 shall be released to the Owner of Record or his assigns only after review and
30 authorization by the Planning Commission, the Board of Directors, or both.

31 **Sec. 30-283. - Permit Requirements.**

32 (a) No permit shall be issued by the Department of Planning and Development for any
33 construction on private property, or for alterations of a parkway or public right-of-way within
34 the City unless the Applicant has complied with the provisions of this Article. The following
35 property classifications shall comply with this Article:

1 **Sec. 30-284. - Financial Hardship.**

2 Projects other than Subdivisions may require off-street improvements that constitute a substantial
3 portion of total project cost. The Department of Planning and Development may determine that
4 a project involves a financial hardship and require an in-lieu cash contribution not to exceed 15%
5 of the estimated total development cost.

6 **Sec. 30-285. - Deferral - Frazier Pike. - Remove in its Entirety, Deferral Time Frame has**
7 **Expired.**

8 **Sec. 30-286. - Same - Hilario Springs Road. - Remove in its Entirety, Deferral Time Frame**
9 **has Expired.**

10 **Sec. 30-287. - Same - Lile Avenue. - Remove in its Entirety, Deferral Time Frame has Expired.**

11 **Article VII - Street Names and Property Numbers.**

12 **Division 2 - Street Names.**

13 **Sec. 30-322. - Plan.**

14 For the purpose of clarifying and systematizing the present street naming pattern in the address
15 service area and to implement this division, there is hereby adopted the following plan.

- 16 (1) The Planning Commission is authorized to prepare and present to the Department of
17 Planning and Development, a recommendation for the naming of all unnamed
18 streets, avenues, and public and private ways within the address service area of the
19 City and to propose new names to eliminate duplications and sound-alike street
20 names. The proposals for new names to eliminate duplications and sound-alike street
21 names that occur in unincorporated parts of the address service area shall be reviewed
22 with the Director of County Operations in accord with the Letter of Agreement.

23 **Sec. 30-323. - Plats.**

24 Every Subdivision Plat submitted to the Department of Planning and Development for approval
25 shall bear upon its face, the report of the Planning Commission of the proper names of any and
26 all streets, avenues, and public ways proposed for public use including private streets within the
27 jurisdiction of the City.

28 **Chapter 31 - Subdivisions.**

29 **Article I - In General.**

30 **Sec. 31-2. - Definitions.**

31 The following words, terms and phrases, when used in this Chapter, shall have the meanings
32 ascribed to them in this section, except where the context clearly indicates a different meaning:
33 *Engineering Division* means the Engineering Staff of the Department of Planning and
34 Development.

1 *Director of the Department of Planning and Development* means the City Official as having
2 planning authority and authorized to administer this Chapter.

3 **Sec. 31-7. - Enforcement.**

4 It shall be the duty of the Director of the Department of Planning and Development to enforce
5 this Chapter and to bring to the attention of the City Attorney any violations or lack of compliance
6 herewith. The Director of the Department of Planning and Development may delegate his
7 administrative responsibilities under this Chapter to designated staff.

8 **Sec. 31-13. - Subdivision/Multiple Building Site Plan Review. - Remove this Section in its**
9 **Entirety.**

10 **Article II - Plat Approval and Review Process.**

11 **Division 3 - Preliminary Plat.**

12 **Sec. 31-89. - Preliminary Plat.**

13 A Preliminary Plat shall be submitted in the number of copies as established by the Planning
14 Staff. It shall be clearly and legibly drawn and shall be submitted in a format as directed by the
15 Planning Staff. Plat scale shall be one (1)-inch equals fifty (50) feet for plats up to and including
16 ten (10) acres and one (1)-inch equals 100 feet for plats larger than ten (10) acres, except where
17 a smaller scale may be deemed appropriate by the staff. The Preliminary Plat shall be identified
18 by the name of the Subdivision, and shall include all information listed below. The Preliminary
19 Plat shall also be submitted in an electronic format compatible with equipment in the Department
20 of Planning and Development of the City. Data shall be in Computer-Aided Design (CAD)
21 compatible .DXF or .DWG (compatible with software available in the Department of Planning
22 and Development of the City) format containing the information listed below:

23 (4) Natural features within and surrounding proposed Subdivision including drainage
24 channels, bodies of water, wooded areas and other significant features. On all
25 watercourses leaving the tract, the direction of flow shall be indicated, and for all
26 watercourses entering the tract, the drainage area above the point of entry shall be
27 noted.

28 (5) The Storm Drainage Preliminary Analysis showing drainage data for all watercourses
29 entering and leaving the plat boundaries. The Storm Drainage Analysis shall be
30 prepared in sufficient detail to illustrate the proposed system's capability of
31 accommodating storm events as required by the Stormwater Management and
32 Drainage Manual.

33 (8) Features within and surrounding the proposed Subdivision including existing and
34 platted streets, bridges, culverts, utility lines, pipelines, power transmission lines, all

1 easements, park areas, structures, city and county lines, section lines and other
2 significant information.

3 (13) The names of all owners of landlocked parcels contiguous to or within the plat
4 boundaries.

5 (18) A Phasing Plan outlining the boundaries for each phase

6 **Sec. 31-90. - Engineering Analysis.**

7 An Engineering Analysis containing the following information shall be filed:

8 (2) An analysis of all stormwater conveyance for the 100-Year Storm event onto, within,
9 and leaving the property to be provided to the staff for review. Such analysis shall
10 be prepared by the Engineer of Record at owner's expense. The analysis shall
11 determine to the best of the Engineer's ability a safe building line, conveyance
12 channels, and drainage easements, and it shall be clearly and legibly drawn on the
13 Preliminary Plat.

14 (3) Remove this Subsection in its entirety.

15 **Sec. 31-94. - Approval Procedure.**

16 (a) Whenever a Subdivision is proposed or before any sale of lots located in said Subdivision as
17 a whole or any part thereof is made, within the corporate limits, the owner shall file a plan of
18 the proposed Subdivision with the Planning Commission for approval. The Applicant shall
19 submit all the necessary fees and meet all the submittal requirements at the time of the filing
20 as described in Section 31-63 of this Chapter.

21 The City Staff shall distribute copies of the Preliminary Plat to other City Departments, utility
22 companies, and County and State Agencies as appropriate with the request that their
23 recommendations for either approval or disapproval be provided in writing.

24 (c) Remove this Section in its entirety.

25 (g) Receipt by the Subdivider of the executed certificate of Preliminary Plat approval is
26 authorized to proceed with the preparation of necessary plans and specifications and the
27 installation of required public improvements. The Subdivider shall build all public street
28 and drainage improvements to the specifications of the construction plans approved by the
29 Department of Planning and Development. Construction work shall be subject to on-site
30 inspections by the City to verify conformance with the approved Construction Plans.

31 **Division 4 - Final Plat.**

32 **Sec. 31-117. - General Requirements.**

33 (a) Submission for certification of Final Plat approval shall consist of the document and two (2)
34 transparent originals (one (1) shall be a Mylar), the number of prints as established by the

1 Planning Staff, the certificates specified in Section 31-118 executed and the original Bill of
2 Assurance.

3 An acceptable storage device with the data in CAD compatible .DXF and/or .DWG format
4 containing the State Plane Coordinates for all property boundary corners of plat (each phase),
5 street centerline data as shown on the Final Plat. Storm drainage as-built information
6 including pipe inverts, length of pipe, size of pipe, type of pipe, and type of inlets shall be
7 provided in a separate .DXF and/or .DWG file and included on the submitted acceptable
8 storage device.

9 The Final Plat shall be clearly and legibly drawn in black ink on suitable tracing material at
10 the same scale and dimensions used for the approved Preliminary Plat. Upon approval and
11 execution of the Certificate of Final Plat Approval, the owner's representative will file the
12 plat for record at the Circuit Clerk's Office and return a certified Mylar to the City within two
13 (2) working days, unless another period of time is mutually agreed to by the owner's agent
14 and City representative.

15 (b) The Final Plat shall indicate the following information:

16 (17) Any area or lot which may be prone to local flooding shall have the lowest allowable
17 finished floor elevation indicated on the Final Plat. This elevation shall be compared
18 to the one (1) in 100-Year Flood elevation shown on the Flood Insurance Study or,
19 if not available, any other applicable study in which the one (1) in 100-Year Flood
20 elevation is depicted. The Department of Planning and Development shall review
21 an approved compliance with Chapter 8, Article IV.

22 (d) Remove this Section in its entirety.

23 **Sec. 31-121. - Approval Procedure.**

24 (a) Application. An Applicant seeking the approval of a Final Plat shall submit the necessary
25 documents to the Department of Planning and Development as having authority in regard to
26 City Planning. Such application shall conform to the submittal requirements described in
27 this Division.

28 **Division 5 - Combined Preliminary and Final Plat Procedure.**

29 **Sec. 31-142. - Minor Subdivisions.**

30 (c) Request for Minor Subdivision approval shall be made by the owner of the land to the
31 Department of Planning and Development. Subdivision requirements shall be the same as
32 those required for the Final Plat. The Planning Commission shall review the plat at their next
33 regularly scheduled monthly meetings. If the Final Plat is in conformance with the objectives
34 and standards of this Chapter and all required information is contained thereon, the Planning

1 Commission shall certify its approval of the plat, making proper notation on the original
2 tracing of the plat, and permit the plat's recording in the Office of the Circuit Clerk.

3 **Sec. 31-143. - Lot Splits.**

4 (d) The Director of the Department of Planning and Development shall, in writing, either
5 approve, conditionally approve or disapprove the proposed lot split within thirty (30) days of
6 application. If approved, and after all conditions have been met, the Director of the
7 Department of Planning and Development shall sign and furnish a certified copy thereof to
8 the Applicant and it shall be submitted by the Applicant for recordation with the Circuit
9 Clerk. One (1) copy of the Final Recorded Plat shall be furnished by the Applicant to the
10 Department of Planning and Development.

11 (e) A Conditional Waiver of Boundary Street Requirements, including, but not limited to
12 sidewalks, curb and gutter, street improvements, and drainage facilities, may be made if:

13 (1) The Director of the Department of Planning and Development and the Public Works
14 Department certifies that the lot split will not change the land use at the time of the
15 split and it will not significantly or negatively impact the infrastructure needs of the
16 area;

17 **Article III - Design Standards.**

18 **Division 1 - Generally.**

19 **Sec. 31-171. - General principles.**

20 In addition to the requirements for improvements and their design, the following considerations
21 shall guide the staff, the Planning Commission in their review of proposed Subdivision Plats:

22 **Sec. 31-175. - Sidewalks.**

23 The minimum construction requirements for sidewalks are as follows:

24 (2) Sidewalks are required to be constructed at the same general grade and alignment as
25 the street curb. Meandering the sidewalk is acceptable if alignment would damage
26 trees.

27 **Sec. 31-176. - Storm drainage.**

28 (a) Every Subdivision shall make adequate provisions to accommodate or dispose of stormwater
29 by means of drains, sewers, catch basins, culverts and other facilities deemed necessary by
30 the Department of Planning and Development.

31 (i) In order to protect the public interest, floodways in every Subdivision shall be
32 kept free of incompatible urban development. Floodways, as defined by the
33 current flood hazard boundary maps or as modified by Detailed Engineering
34 Analysis accepted by the Army Corps of Engineers, shall be either designated

1 on the plat as drainage easements or, at the option of the landowner, dedicated
2 to the public.

3 **Division 2 - Streets**

4 **Sec. 31-201. - Generally.**

- 5 (i) For purposes of determining the extent of required improvements on boundary
6 streets, the right-of-way centerline shall be deemed to be the plat boundary.
7 Where a clearly defined right-of-way does not exist, the appropriate City
8 Official shall establish the centerline location.

9 **Sec. 31-202. - Dead-End Streets and Cul-de-Sac.**

- 10 (d) In the case of temporary dead-end streets which are stub streets designed to provide future
11 connection with unsubdivided adjacent areas, the Developer shall at his expense provide an
12 information sign with content and size to be determined by the Public Works Department. It
13 is the purpose of this sign to convey to adjacent owners and street users information as to
14 continuation of the street and its intended classification. The initial erection of the sign and
15 permanent maintenance will be the responsibility of the City

16 **Sec. 31-207. - New Private Streets.**

- 17 (a) Residential. Private streets may be approved by the Planning Commission to serve isolated
18 developments. The design standards shall conform to public street standards as specified in
19 this Chapter. Private streets are permissible only in the form of culs-de-sac and short loop
20 streets and only when it has been determined that these streets can be adequately served by
21 all public service vehicles. Such streets will not be permitted where there is a possibility of
22 through traffic or eventual connection to another public street. It shall be incumbent upon
23 the Applicant to demonstrate that the private streets will not unreasonably limit access to
24 adjacent parcels, hinder logical traffic patterns, or otherwise be contrary to the public interest.
25 The Subdivider shall provide for permanent maintenance of all private streets in the bill of
26 assurance. This maintenance shall include water lines, fire hydrants, or other utility
27 facilities.

28 The Developer shall enter into contracts with Central Arkansas Water for the maintenance of
29 all water mains and hydrants lying within the private street right-of-way.

- 30 (b) Commercial, Office and Industrial.

- 31 (4) The Developer shall provide for permanent maintenance of private streets within the
32 Bill of Assurance. This maintenance shall include water lines, fire hydrants, or other
33 utility facilities. The Developer shall enter into contracts with Central Arkansas
34 Water for the maintenance of all water mains and fire hydrants lying within the
35 private street right-of-way.

1 (5) Developers shall conform to the Preliminary Plat filing procedures in addition to the
2 following:

3 b. Street Construction Plans submitted to the Department of Planning and
4 Development and review and release by appropriate Department.

5 **Sec. 31-208. - Existing Private Streets.**

6 (f) A Review Committee consisting of the Director of the Department of Planning and
7 Development and the Public Works Department shall evaluate each incidence whereby
8 dedication is at issue. A recommendation in written form shall be made on each qualifying
9 request and presented to the commission at a public hearing. This Committee shall act in the
10 capacity of technical advisor only to the Planning Commission. Appeals from decisions or
11 actions of this Committee may be filed with the Planning Commission.

12 **Sec. 31-210. - General Access and Circulation.**

13 (d) Development tract size for which these standards are applicable shall not have a minimum
14 or maximum land area. For purposes of applying these standards to lots less than 100 feet
15 in width and less than on-acre in area, located adjacent to or surrounded by developed lots;
16 the Director of the Department of Planning and Development shall have approval authority.
17 This authority shall be exercised through use of accepted engineering design and practice,
18 while accommodating public safety and good business access.

19 (f) Intersections created by public streets and driveways or points of access shall be designed
20 with the following minimum standards:

21 (1) In all instances the centerline of drives shall intersect the centerline of a street at a
22 right angle. Variance up to fifteen (15) degrees may be granted, submitted to the
23 Department of Planning and Development for review and approval by appropriate
24 Department.

25 (5) Medians, both painted and raised structure, are permitted with the specific design to
26 be approved by the appropriate Department.

27 (7) Left-turn lanes may be required; if so, the need and required storage capacity shall
28 be determined by the Developer's Engineer submitted to the Department of Planning
29 and Development for review and approval by appropriate Department.

30 (8) The minimum width for a drive or access point providing a left-turn lane shall be
31 thirty-six (36) feet for the full length of the left-turn lane and will include the
32 necessary transition length. The channelized section and required storage lanes shall
33 be separated from the parking areas using curb and gutter. The design will be
34 submitted to the Department of Planning and Development for review and approval
35 by appropriate Department.

1 (9) Driveway grade within the public street right-of-way and within fifty (50) feet of the
2 curb line of the public street is recommended not to exceed plus or minus 5%. Upon
3 a showing of proper documentation of unusual conditions and justification,
4 submitted to the Department of Planning and Development for review and approval
5 by appropriate Department, grades of up to plus or minus 8% within the first twelve
6 (12) feet from the curb line, and plus or minus 14% from twelve (12) feet to fifty
7 (50) feet from the curb line may be approved. Under no circumstances shall the
8 elevation of a driveway surface at a point twelve (12) feet from the curb line of a
9 public street be lower than the top of the adjacent curb.

10 The following shall be used for purposes of Plat and Plan Design and may be required
11 by the Planning Commission as part of the final design. The Planning Commission
12 may consider variances from these requirements upon submittal of justification.

13 (h) A signage and striping plan shall be prepared and submitted to the submitted to the
14 Department of Planning and Development for review and approval by appropriate
15 Department.

16 (i) Special design considerations, offsite include:

17 (1) The provision of acceleration and deceleration lanes may be required on minor
18 arterial or higher classification of streets, where in the judgment of the Public Works
19 Department, they will facilitate the movement of vehicles.

20 (j) The Director of the Department of Planning and Development may approve variances,
21 subject to review and recommendations from appropriate Department, from Subsections 31-
22 210(a) through (i) for Building Permit Applications. The Planning Commission may approve
23 variances from Subsections 31-210(a) through (i) for applications before the Commission.
24 Appeal from decisions of the Director of the Department of Planning and Development and
25 of the Planning Commission concerning the provisions of Subsections 31-210(a) through (i)
26 above may be filed with the Little Rock Board of Directors after final review and action by
27 the Director of the Department of Planning and Development or the Planning Commission.

28 **Division 8 - Hillside Subdivisions.**

29 **Sec. 31-370. - Retaining Walls.**

30 Retaining walls may be required wherever topographic conditions warrant or where necessary to
31 retain fill or cut slopes within the right-of-way. The retaining walls shall be constructed on
32 private property to protect the streets from possible erosion and slides. Such improvements shall
33 require the approval of the Department of Planning and Development.

34 **Sec. 31-375. - "T" Turnarounds.**

1 For minor residential streets, "T" type turnarounds may be allowed in conjunction with uphill
2 and downhill slopes to minimize disturbance of the site while providing adequate vehicular
3 access to individual lots. The "T" portion shall be of the same width and design standard as the
4 minor residential street. The length of the "T" shall be a minimum of eighty (80) feet and shall
5 be centered on the minor residential street with a minimum curb radius of twenty (20) feet. The
6 right-of-way shall be that area to provide for the construction and as required to accommodate
7 utilities, submitted to the Department of Planning and Development for review and approval by
8 appropriate Department. Driveways which take access shall be constructed with minimum five
9 (5)-foot turn-out radii. A single turn-out (one-half of the "T") may be provided when submitted
10 to the Department of Planning and Development for review and approval by appropriate
11 Department when the centerline of the turn-out is located forty (40) feet from the dead end portion
12 of the street. The right-of-way of a "T" designed terminus shall not, at any point, be closer than
13 fifty (50) feet to an adjoining property boundary.

14 **Division 9 - Minimum Survey Standards.**

15 **Sec. 31-380. - Monumentation.**

16 (a) Two (2) monuments shall be set per phase of the Subdivision as shown on the approved
17 Preliminary Plat. These monuments may be cast in place or prefabricated and shall be of
18 similar construction described as follows:

19 (4) A brass or aluminum survey cap, a minimum of two (2) inches in diameter, shall be
20 cast or grouted into the top of the concrete post. The following information shall be
21 stamped into the survey cap.

22 c. Monument number as assigned by staff.

23 **Article IV - Required Improvements.**

24 **Division 1 - General.**

25 **Sec. 31-396. - Compliance.**

26 In all Subdivisions (including multiple building sites), the Subdivider shall install, at his own
27 expense, or to have installed by the appropriate public utility, certain specified improvements as
28 specified in this division. No streets, drainage or utility construction work, exclusive of clearing,
29 shall begin until Construction Plans have been reviewed and approved by the Department of
30 Planning and Development.

31 **Sec. 31-401. - Storm Drainage.**

32 Every Subdivision shall be served by storm drainage facilities including drains, sewers, catch
33 basins, culverts and other facilities designed and constructed to accommodate surface runoff
34 originating within the Subdivision or flowing across it. The improvements shall be installed in

1 accordance with provisions adopted by the Board of Directors, but in no case shall be designed
2 to accommodate less than a one (1) in twenty-five (25)-year rainfall.

3 **Sec. 31-402. - Sidewalks.**

4 Construction Plans shall show the location of all sidewalks in Subdivisions. Installation shall be
5 in accordance with these plans, but shall be the responsibility of the builder. No Certificate of
6 Occupancy shall be issued for any property until the sidewalk is constructed.

7 **Sec. 31-403. - Street Lighting.**

8 (a) Overhead street lighting facilities shall be designed and approved in advance of filing the
9 Final Plat for the Subdivision. All street lighting shall utilize poles and fixtures approved
10 by the Public Works Department. Standard street lighting designs utilizing wood poles and
11 overhead wiring are designed and built at no charge to the Developer by Entergy Corporation.
12 The City will work with the Developer to coordinate the design function with Entergy.

13 (b) Where underground electrical service is planned for the Subdivision, the Developer shall
14 submit a Lighting Plan utilizing standard lighting fixtures submitted to the Department of
15 Planning and Development for review and approval by appropriate Department. The plan
16 shall include conduit locations, wire sizes and current photometric data for the proposed
17 fixtures. Upon approval of plans by the City and Entergy Corporation, the Developer will
18 contract for the installation of the underground portion of the street light system. In the event
19 the Developer chooses to install a pole and fixture which is not an approved standard utilized
20 by Entergy Corporation, the Developer will be responsible for the initial installation of the
21 pole and fixture. Further, the Developer/Property Owners Association will be responsible
22 for any replacement parts needed to maintain the proposed street light system.

23 (c) The following applies to Subdivisions outside the City's Corporate Boundaries:

24 (2) In areas designated for underground service, plans must be submitted to the
25 Department of Planning and Development for review and approval by appropriate
26 Department.

27 (3) If underground service is to be provided, it will be necessary for the Developer to
28 provide electrical service to the proposed pole locations. The proposed design must
29 be submitted to the Department of Planning and Development for review and
30 approval by appropriate Department.

31 **Sec. 31-404. - Other Utilities.**

32 Other utilities to be installed in a Subdivision, including water, sewer, electricity, gas and
33 telephone, shall be located within the public right-of-way or easement. If stubs to the property
34 lines are not installed, then connections between lots and utility lines shall be made if possible,
35 without breaking into the wearing surface of the street. When street cuts are necessary, such cuts

1 shall be in accordance with Public Works Department specifications. A permit for same shall be
2 obtained from the Public Works Department.

3 **Sec. 31-407. - Street Name Signs.**

4 Street name signs shall be placed at intersections by the Public Works Department at the
5 Developer's expense. Street signs shall meet standards and specifications of the Public Works
6 Department.

7 **Division 2 - Assurances for Completion; Installation; Etc.**

8 **Sec. 31-431. - Assurance for Completion.**

9 (b) One of the following methods will be utilized by the Developer to assure that improvements
10 required by these regulations have been, can, or will be installed within the specified time
11 and in accordance with the approved plans and specifications.

12 (2) Security for Completion of Improvements. An estimate by the Engineer of Record
13 to complete improvements shall be submitted to the Department of Planning and
14 Development for review and approval by appropriate department. The Subdivider
15 may provide one of the following instruments as assurance for completion of
16 improvements.

17 a. Cashier's Check. The Subdivider may provide a cashier's check in the full
18 amount as specified by the engineer of record and agreed to by the
19 Department of Planning and Development as sufficient to complete the
20 improvements and installations required to comply with these rules and
21 regulations.

22 b. Certificate of Deposit, Treasury Bond or Other Negotiable Government
23 Security. The Subdivider may provide a Certificate of Deposit, Treasury
24 Bond or other negotiable government security for the full amount estimated
25 to complete the improvements. Any interest accruing prior to acceptance by
26 the Department of Planning and Development shall be forfeited and
27 considered as an additional administrative expense of the City on
28 improvements which are not completed in a timely manner. The instruments
29 allowed to be provided by this Section shall be drawn on a financial
30 institution insured by the Federal Deposit Insurance Corporation and
31 licensed to do business in Arkansas. Further, the instrument provided shall
32 be in the name of the City of Little Rock, Arkansas, and shall be in
33 increments no greater than One Hundred Thousand Dollars (\$100,000.00).
34 The instrument will be returned to the Subdivider once improvements are
35 completed and accepted by the Department of Planning and Development.

1 All improvements shall be done in a timely manner as determined by the
2 Department of Planning and Development.

3 c. Irrevocable Letter of Credit. The Subdivider is permitted to provide an
4 Irrevocable Letter of Credit to the City pursuant to the following conditions:

5 1. The Letter of Credit will be for an amount equal to the total
6 estimated cost of the improvements as agreed upon by the
7 Subdivider and the Department of Planning and Development.

8 4. In the event the Subdivider is in default, the City shall be entitled to
9 payment upon making demand for payment under the terms of the
10 credit; further, the City shall be entitled to use all of the monies
11 secured by the Letter of Credit to assure the costs of completion of
12 the work in the Subdivision as determined by the Department of
13 Planning and Development.

14 6. The terms of the Letter of Credit shall be limited to the time estimate
15 offered by the Engineer of Record and agreed upon by the
16 Department of Planning and Development. During the estimated
17 time, periodic status reports shall be made to the Department of
18 Planning and Development.

19 **Sec. 31-433. - Inspection of Improvements.**

20 (a) All Subdivision Improvement Projects shall be constructed according to the approved plans
21 and specifications of a Registered Professional Engineer. When the improvements required
22 by this Chapter have been completed and installed, the Registered Professional Engineer
23 shall submit a letter to the Department of Planning and Development certifying
24 improvements and installations have been made in accordance with approved Construction
25 Plans, specifications, drawings and the standards established by the City or the County, and
26 are functioning properly. Additional inspections shall be made in accordance with other
27 applicable ordinances.

28 (b) The Department of Planning and Development shall then inspect or facilitate the inspection
29 of those facilities improvements and installations for conformance with plans and
30 specifications. If such final inspection reveals that there are any defects or deficiencies in
31 such improvements as installed or that the improvements differ from the final plans and
32 specifications, the Department of Planning and Development shall notify the Subdivision
33 Engineer and Contractor in writing of such defects, deficiencies or deviations. The
34 Subdivider shall, at his expense, correct such defects or deviations within six (6) months of
35 the Date of Notification. When such defects, deficiencies or deviations have been corrected,

1 the Subdivider shall notify Department of Planning and Development in writing that the
2 improvements are again ready for final inspection.

3 **Sec. 31-434. - Maintenance Bond.**

4 (a) A Maintenance Bond shall be furnished by the Contractors to cover all construction and
5 improvements under review which has the approval of the Department of Planning and
6 Development with the appropriate Department. All other public utilities installed in a
7 development shall be subject to the administrative review and bonding procedures as set out
8 by the respective public utilities and shall not be subject to the provisions of this Section.

9 (b) Contractors shall furnish a Maintenance Bond to the Department of Planning and
10 Development for review and approval by appropriate department and shall cover any defects
11 in materials and workmanship for the required improvements installed by that Contractor in
12 the amount of 50% of the total cost of those improvements. The Bond shall be in full force
13 and effect for not less than one (1)-year from the date of the public improvements acceptance
14 letter from the Department of Planning and Development and appropriate Department,
15 certifying that all improvements have been completed and approved, and further stating that
16 any and all defects in materials and workmanship shall be corrected by the Contractor by the
17 end of the bond period. Work performed under the terms of the Maintenance Bond shall be
18 approved by the Department of Planning and Development in coordination with the
19 appropriate Department.

20 **Sec. 31-435. - Acceptance of Public Facilities Dedications and Recordation.**

21 (b) Approval of Final Plats within the City Limits by the Director of the Department of Planning
22 and Development and filing of the Plat of Record with the Circuit Clerk and Recorder of the
23 County shall not constitute formal acceptance by the City of all approved public
24 improvements covered by the plat. Those improvements not completed as of the date of
25 approval of the Final Plat shall be accepted as public facilities when the Department certifies
26 that the construction has been approved, Maintenance Bonds furnished, and the plat filed of
27 record.

28 (d) No Building Permits may be issued until proof of the recording of the Approved Final Plat
29 has been presented to the Department of Planning and Development, giving Plat Book and
30 Page Number, or Instrument Number.

31 **Chapter 36 - Zoning.**

32 **Article II - Administration and Enforcement.**

33 **Division 1 - Generally.**

34 **Sec. 36-52. - General Functions of Planning Commission.**

1 The Planning Commission is authorized pursuant to the provisions of A.C.A. tit. 14, Chapter 56,
2 Subchapter 4 [A.C.A. § 14-56-401 et seq.] to secure the benefits to the public of a coordinated,
3 adjusted and harmonious development of the City, to promote the health, safety, morals, order,
4 convenience, prosperity and general welfare of the citizens thereof and shall make
5 recommendations on planning issues and report to the Mayor and Board of Directors concerning
6 the operation of the Commission and the status of planning within its jurisdiction.

7 **Sec. 36-54. - Special Use Permits.**

8 (b) Application Procedure. The property owner or an authorized agent shall apply for a Special
9 Use Permit under the guidelines provided by the Department of Planning and Development.
10 A public hearing on the Special Use Permit will be held by the Planning Commission which
11 shall have final authority. The Planning Commission shall consider, but shall not be bound
12 by, the lawful provisions of a valid bill of assurance for the Subdivision within which the
13 subject property is located when determining the appropriateness of the proposed special use.
14 Appeals from the action of the Planning Commission shall be filed with the Board of
15 Directors. The content of the appeal filing shall consist of:

16 **Sec. 36-55. - Accessory Use Permits.**

17 (b) Application Procedure. The property owner or an authorized agent shall apply for an
18 Accessory Use Permit under the guidelines provided by the Department of Planning and
19 Development.

20 **Division 2 - Board of Zoning Adjustments.**

21 **Sec. 36-67. - Members.**

22 (b) Vacancies shall be filled for the unexpired term of the Member whose place has become
23 vacant by the Mayor subject to the approval of the City Board of Directors. Any Member
24 whose term expires shall continue to serve until his/her successor is appointed and qualified.
25 The appointing authority shall have the power to remove any member of this Board for cause
26 and after public hearing provided, however, any Member of the Board who shall be absent
27 from three (3) or more consecutive regular meetings shall be removed from office without
28 hearing upon certification of such fact by the Secretary of the Board to the Mayor.

29 **DIVISION 5. - SITE PLAN REVIEW - Remove in its entirety.**

30 **Article V - District Regulations.**

31 **Division 1 - Generally.**

32 **Sec. 36-203. - Temporary Public School Buildings and Uses.**

33 (a) General Purpose. The purpose of this section is to provide procedures for the placement of
34 accessory buildings and uses on properties owned by and for the Little Rock School District
35 and to establish standards by which such buildings and uses can be evaluated. Only those

1 structural types and uses identified may be placed on any school property in any zoning
2 district where listed. In all instances, the specific Site Plan to be used for placement shall
3 receive detailed administrative review.

4 The Director of the Department of Planning and Developments shall have authority to
5 approve placement of buildings and uses for a period of up to five (5) years, after which said
6 buildings and uses shall be removed. Appeals may be filed with the Board of Adjustment
7 within thirty (30) days of a denial by the Director.

8 (d) Site Plan Submission. The submission requirements for the review of a Site Plan by the
9 Director of the Department of Planning and Development shall include the following:

10 (1) A Site Plan to be submitted digitally on accepted media and may also be on white
11 paper no larger than thirty (30) inches by forty-two (42) inches and no smaller than
12 eleven (11) inches by seventeen (17) inches and including:

13 **Division 2 - Residential Districts.**

14 **Sec. 36-253. - R-1, Single-Family District.**

15 (6) Home Occupation

16 d. Any proposed home occupation that is neither specifically permitted by
17 Subparagraph b., nor specifically prohibited by Subparagraph c., shall
18 require an Accessory Use Permit and which shall be granted or denied by
19 the Department of Planning and Development upon consideration of those
20 standards contained in this paragraph. Appeals from the administrative
21 judgement of the Department shall be filed with the Board of Adjustment.
22 The content of the filing shall consist of: 1) A cover letter addressed to the
23 Chairman and Members of the Board of Adjustment setting forth the request;
24 and, 2) a copy of all pertinent graphic materials or correspondence. This
25 filing shall occur within thirty (30) calendar days of the action by the
26 Department. No activity which requires an Accessory Use Permit shall be
27 conducted prior to issuance of the permit. Any proposed use requiring
28 employees who are not residents of the dwelling shall be approved by the
29 Board of Adjustment prior to the issuance of permits.

30 **Sec. 36-254. - R-2, Single-Family District.**

31 (d) Lot Area Regulations. There shall be a lot area of not less than 6,000 square-feet. In addition,
32 there shall be a minimum lot width of not less than fifty (50) feet and a minimum lot depth
33 of not less than 100 feet. For purposes of zero-lot-line lots, the minimum lot width may be
34 reduced to not less than thirty-five (35) feet. The lot area shall not be less than 4,000 square-
35 feet.

1 **Sec. 36-260. - R-6, High-Rise Apartment District.**

2 (b) Development Criteria. Unless otherwise specifically provided in this section, the following
3 development criteria shall apply to this District:

- 4 (1) All properties within this District shall be contiguous and shall be totally developed
5 under a unified Site Plan. Criteria for submittal of the accompanying Site Plan shall
6 follow the guidelines set forth in this Chapter.

7 **Sec. 36-261. - R-7, Manufactured Home Park District.**

8 (b) Development Criteria. Unless otherwise specifically provided in this section, the following
9 development criteria shall apply to this District:

- 10 (1) All properties within this District shall be contiguous and shall be totally developed
11 under a unified Site Plan. Criteria for submittal of the accompanying Site Plan shall
12 follow the guidelines set forth in this Chapter.

13 **Sec. 36-262. - R-7A, Manufactured Home District.**

14 (d) Other Area Regulations. Developers are required to submit a Site Plan for review at the time
15 of their rezoning request.

16 **Division 3 - Office Districts.**

17 **Sec. 36-280. - O-2, Office and Institutional District.**

18 (b) Development Criteria. Unless otherwise specifically provided in this section, the following
19 development criteria shall apply to this District:

- 20 (1) All properties within this District shall be contiguous and shall be totally developed
21 under a unified Site Plan. Criteria for submittal of the accompanying Site Plan shall
22 follow the guidelines set forth in this Chapter.

- 23 (2) Customary accessory uses shall be permitted only when they are clearly incidental
24 to the primary use. No accessory use or uses may utilize in excess of 10% of the
25 gross floor area of the principal structure or structures except that appropriate City
26 Official may authorize an additional 10% percent in conjunction with the review of
27 the Site Plan.

28 **Division 4 - Commercial Districts.**

29 **Sec. 36-298. - General District Restrictions.**

30 Unless otherwise specifically provided in this section, the following restrictions shall apply to
31 the Districts listed in Section 36-297:

- 32 (4) Seasonal and temporary sales, outside, shall be permitted a maximum of four (4)
33 occasions per year with a maximum of thirty (30) days per event. These events shall
34 be permitted, prior to initiation, by the staff of the Department of Planning and

1 Development. These events may be permitted consecutively or as desired by the
2 owner or occupant.

3 **Sec. 36-299. - C-1, Neighborhood Commercial District.**

4 (d) Height Regulations. No building hereafter erected or structurally altered shall exceed a
5 height of thirty-five (35) feet.

6 **Sec. 36-300. - C-2, Shopping Center District.**

7 (b) Development Criteria. Unless otherwise specifically provided in this section, the following
8 development criteria shall apply to this District:

9 (1) All properties within this District shall be contiguous and shall be totally developed
10 under a unified Site Plan. Criteria for submittal of the accompanying Site Plan shall
11 follow the guidelines set forth in this Chapter.

12 **Division 5 - Industrial Districts.**

13 **Sec. 36-319. - I-1, Industrial Park District.**

14 (b) Development Criteria. Unless otherwise specifically provided in this section, the following
15 development criteria shall apply to this District:

16 (1) All properties within this District shall be contiguous and shall be totally developed
17 under a unified Site Plan. Criteria for submittal of the accompanying Site Plan shall
18 follow the guidelines set forth in this Chapter.

19 (d) Height Regulations. No building hereafter erected or structurally altered shall exceed a
20 height of seventy-five (75) feet.

21 **Sec. 36-320. - I-2, Light Industrial District.**

22 (d) Height Regulations. No building hereafter erected or structurally altered shall exceed a
23 height of seventy-five (75) feet.

24 **Sec. 36-321. - I-3, Industrial District.**

25 (d) Height Regulations. No building hereafter erected or structurally altered shall exceed a
26 height of seventy-five (75) feet.

27 **Sec. 36-322. - PR, Park and Recreation District.**

28 (a) Purpose and Intent. The PR, Park and Recreation District, is intended to provide areas where
29 active and passive recreation activities and other uses as determined by the City may be
30 conducted and for conservation of natural and cultural areas and resources, allowing
31 flexibility adequate to permit reasonable development of the site to meet the recreation and
32 conservation needs of the City. This District is intended to include those public and private
33 park and recreation and conservation areas which are designated as parks, or for park uses,
34 in the adopted Little Rock Parks and Recreation Master Plan.

1 **Division 6 - Special Districts**

2 **Sec. 36-341. - FP, Floodplain District.**

3 (c) Interpretation of District Boundaries. The boundaries of the Floodplain Districts shall be
4 determined from the aforementioned Flood Hazard Boundary Maps. Where interpretation
5 is needed as to the exact location of the boundaries of the District shown on the Flood
6 Hazard Boundary Map, the appropriate City Official shall make the necessary
7 interpretation and direct that corrections of District Boundaries be made on the Flood
8 Hazard Boundary Map as appropriate. In such instances, the regulatory flood protection
9 elevation shall be the governing factor in locating a District Boundary on any property.
10 Appeals from the administrative judgement of the appropriate City Official shall be filed
11 with the Board of Adjustment. The content of the filing shall consist of: 1) A cover letter
12 addressed to the Chairman and Members of the Board of Adjustment setting forth the
13 request; and, 2) a copy of all pertinent graphic materials and correspondence. This filing
14 shall occur within thirty (30) calendar days of the action by the appropriate City Official.
15 The Board shall accept the engineering data of a Registered Professional Engineer unless
16 conflicting engineering data is proved to be correct.

17 **Sec. 36-342.1. - UU, Urban Use District.**

18 (9) Projections (all requirements for a franchise remain in place).

19 b. Awnings shall not project more than eight (8) feet from the building facade and
20 have a minimum clearance of eight (8) feet above the sidewalk.

21 **Division 7 - Design Overlay District - Highway 10 Scenic Corridor.**

22 **Sec. 36-343. - Purpose and Intent.**

23 A Highway 10 Scenic Corridor Overlay is hereby established, consistent with the objectives of
24 the Highway 10 Land Use Plan adopted by the City of Little Rock, and pursuant to the authority
25 granted under Chapter 36 of the Code of Ordinances of the City of Little Rock providing Overlay
26 Zoning Districts. The purpose of establishing this District is to protect and enhance the aesthetic
27 and visual character of the lands surrounding Highway 10. In particular the purposes of this
28 District are as follows:

- 29 (1) To protect and enhance the scenic quality of the Highway 10 Corridor by providing
30 for sensitive developments which will maximize the natural foliage and terrain while
31 also providing planted buffer and landscaped areas.
- 32 (2) To create a distinctive parkway atmosphere along Highway 10 by encouraging
33 substantial building setbacks, extensive landscaping and uniform tree plantings.
- 34 (3) To minimize the number of curb cuts along Highway 10 so that the roadway will
35 function at an efficient level of service.

1 (4) To promote development along Highway 10 without the undesired effects of small
2 lot strip development.

3 (5) To create standards for signage and parking lot lighting which are in keeping with
4 the intent of this Article.

5 **Sec. 36-346. - Site Design and Development Standards.**

6 (a) Lot Size. There shall be a minimum development tract size of not less than two (2) acres.
7 Existing lots of record two (2) acres or less are exempt from this requirement.

8 (b) Front-Yard. All principal and accessory buildings or structures are required to have a 100-
9 foot building setback from the property line abutting Highway 10.

10 (c) Rear-Yard. Rear-yard shall not be less than forty (40) feet.

11 (d) Side-Yard. Side-yard shall not be less than thirty (30) feet.

12 (e) Landscaping Treatment. Landscaped areas shall attempt to incorporate existing on-site trees
13 and shrubbery into the landscaping scheme and the plans shall indicate such incorporation.

14 (1) Landscaped areas shall have water sprinkler systems to maintain plant materials.

15 (2) Erosion retardant vegetation shall be used on all cuts and fills.

16 (3) Tree species to be planted within this corridor should be consistent with other species
17 present.

18 (4) The Highway 10 frontage (front-yard) shall consist of a minimum of forty (40) feet
19 of landscaped area exclusive of right-of-way. The landscaped area shall contain
20 organic and/or combined manmade/organic features as berms, brick walls and dense
21 plantings such that vehicular use areas are screened when viewed from an elevation
22 of forty-two (42) inches above the elevation of the adjacent street. Alternative
23 screening methods and designs must be approved by the Plans Review Specialist.
24 Appeals from the staff will be directed to the Planning Commission. Within the
25 landscaped area trees shall be planted or be existing at least every twenty (20) feet
26 and have a minimum of two (2) inches in diameter when measured twelve (12) inches
27 from the ground at time of planting.

28 Where a Developer demonstrates that this requirement will constitute an undue
29 hardship, a landscaped area exclusive of right-of-way may consist of a minimum of
30 twenty-five (25) feet. In those instances only, a half-berm shall be constructed
31 which is a minimum of three (3) feet in height with tree plantings as required herein;
32 provided however, that this provision may only be applied to a maximum of 20% of
33 the highway frontage affected in the plans submitted.

34 (5) Rear and side-yards shall have a landscaped buffer averaging a minimum of twenty-
35 five (25) feet from the property line. Where such yards abut a street right-of-way, a

1 fifteen (15)-foot landscaped strip shall be required adjacent to land zoned office and
2 residential. A seven (7)-foot landscaped strip shall be required when adjacent to
3 lands zoned commercial.

4 (f) Signage. Signage shall comply with the provisions of Article X of this Chapter, except as
5 follows:

6 (1) Commercial Development Signage. Signage identifying the commercial
7 development shall not exceed ten (10) feet in height and 100 square-feet in area. All
8 signs that are ground-mounted shall be of a monument type design. These signs may
9 be installed in the landscaped area of the front and side-yards.

10 (2) Commercial Building Signage. Each separate commercial building will be allowed
11 a single monument ground-mounted sign located on the building site or in the
12 landscaped front-yard of the commercial development. The sign shall be a
13 maximum of six (6) feet in height and seventy-two (72) square-feet in area.

14 (g) Curb Cuts. Maximum, one (1) curb cut per 300 feet and no curb cut closer to an intersection
15 than 100 feet.

16 (h) Lighting. Parking lot lighting shall be designed and located in such manner so as not to
17 disturb the scenic appearance preserved in this corridor. Lighting should be directed to the
18 parking areas and not reflected into the adjacent neighborhoods.

19 (i) Building Sites. The maximum number of buildings per commercial development shall be
20 measured both by minimum tract size and minimum frontage as follows: one (1) building
21 every two (2) acres.

22 (j) Stormwater Detention. Any stormwater detention proposed within the front landscape buffer
23 shall be placed underground or the facility shall be graded where the bottom of the facility
24 has a minimum slope of 2% from the furthest extent to the outfall location and a five (5)-foot
25 low flow concrete channel shall be installed.

26 **Sec. 36-347. - Commercial Developments.**

27 In the case of a commercial development, whether on one (1) or more platted lots, the above
28 described regulations shall apply to the development as an entire tract rather than to each platted
29 lot.

30 **Sec. 36-454. - Application Review Procedure.**

31 (e) Final Development Plan.

32 (2) The Final Development Plan review shall be conducted by the Department of
33 Planning and Development. They will review the Final Plan to determine that no
34 substantial changes were made to those elements of the plan agreed upon in the
35 Preliminary Plan. If substantial changes are found to have been made to the agreed

1 elements, then the application must be resubmitted to the Planning Commission for
2 review. The staff will also determine that those elements conditioned by the Board
3 of Directors were altered to meet the Board's specific requirements. In certain
4 instances such as condominium construction, Final Plan Approval shall be held in
5 abeyance until such time as an as-built survey is prepared and concurs with the final
6 plan.

7 (3) The burden is on the Applicant to justify any variation between the approved
8 Preliminary Plan and the Final Plan. The Final Plan shall be deemed to be in
9 substantial compliance with the Preliminary Plan provided the plan does not:

- 10 a. Increase proposed floor area for nonresidential use more than 20%.
 - 11 b. Increase total building coverage more than 20%.
 - 12 c. Increase building height more than 20%.
 - 13 d. Increase total number of dwelling units more than 20% within a given stage.
- 14 Fluctuation greater than the above may be permitted provided overall density
15 is maintained as determined by staff.

16 **Sec. 36-456. - Submission Requirements.**

17 As part of the application process, the Applicant shall be required to submit the following
18 documents and information:

19 (d) A Site Plan meeting the following requirements:

20 (1) Preliminary Plan Submittal.

- 21 1. Submitted in an acceptable digital format and media and upon
22 request, a sheet not to exceed thirty (30) inches by forty-two (42)
23 inches, or less than eleven (11) inches by seventeen (17) inches and
24 containing a Small Scale Vicinity Map.

25 **Sec. 36-461. - Modification of Approved Recorded Plans by the Director of the Department**
26 **of Planning and Development.**

27 If an approved and recorded plan of a Planned Urban Development (PUD) or Planned
28 Development (PD) is presented for issuance of a Building Permit and the plan is at variance with
29 the standards and conditions set forth in this Chapter, the Director of the Department of Planning
30 and Development may issue exceptions within the following guidelines:

- 31 (1) Does not increase the proposed floor area for nonresidential use by more than 20%.
32 Does not increase total number of dwelling units by more than 5% within a given
33 phase. Fluctuation greater than the above shall be permissible provided overall
34 density is maintained.
- 35 (2) Does not increase total building coverage by more than 20%.

1 (3) Does not increase building height by more than 20% to a maximum of eight (8) feet
2 for buildings less than four (4) stories nor more than one (1)-story for buildings
3 greater than four (4) stories.

4 (4) The owner did not exercise the variance rights contained in Subsection 36-454(e).

5 **Article VII - Planned Zoning District.**

6 **Sec. 36-462. - Short-Form. - Remove in its Entirety.**

7 **Article VIII - Off-Street Parking and Loading.**

8 **Sec. 36-502. - Required Off-Street Parking.**

9 (b) The following shall constitute standards for the provision of off-street parking spaces:

10 (2) Office and Institutional Uses.

11 d. Churches (and other places of worship). 1.0 space for every five (5) seats in
12 new principal assembly areas or additions to currently existing structures.
13 Choir seating and areas for folding chairs shall be counted. Twenty-four
14 (24) inches on a pew shall be considered one (1) seat. Stacked parking may
15 be authorized by the Planning Commission at the time of Site Plan reviews.

16 g. Business and Professional Office (and similar use or establishment). 1.0
17 space per 500 square-feet of gross floor area. For structures larger than
18 10,000 square-feet, the above parking requirement shall be provided and the
19 following percentage shall be taken of the remaining floor area:

20 (3) Commercial Uses.

21 a. General Business and Retail Sales (except as otherwise provided herein).
22 1.0 space per 400 square-feet of gross floor area up to 10,000 square-feet.
23 For structures larger than 10,000 square-feet, the above parking requirement
24 shall be provided and the following percentage shall be taken of the
25 remaining gross floor area:

26 h. Shopping Centers. 1.0 space for each 300 square-feet of gross leasable floor
27 area in new shopping centers or additions to existing shopping centers for
28 which a Building Permit is obtained after March 17, 1987. This requirement
29 shall be sufficient for all permitted uses in a shopping center, including new
30 uses and conversions from one (1) use to another use. Existing shopping
31 centers may convert any permitted use to any other permitted use, provided
32 that requirement of 1.0 space for each 300 square-feet of gross leasable area
33 is met for the entire shopping center. If an existing shopping center seeks to
34 convert an individual use to a new use which, in a separate commercial
35 building, would require more parking than the most immediate past use and

1 the shopping center does not meet the above requirement, conversions to the
2 new use shall be subject to the same parking requirements as for separate
3 commercial buildings. Such centers shall provide the number of parking
4 spaces required for each separate use as specified in this Article, except that
5 nonconforming parking rights may be carried forward as provided in Section
6 36-503.

7 **Sec. 36-507. - Location of Off-Street Parking.**

- 8 (a) All parking spaces provided pursuant to this Article shall be on the same lot with the building
9 or within 300 feet thereof. The distance to any parking area as herein required shall be
10 measured between the nearest point of the off-street parking facility and the nearest point of
11 the building said parking area or facility is to serve. Off-site parking shall not exceed 50%
12 of the total number of spaces required by this Article. All off-site parking shall be noted on
13 the Official Zoning Map so as to assure maintenance of the requirement.

14 **Sec. 36-511. - Parking Design.**

- 15 (a) The following four (4) parking angles are allowed with their respective width and depth
16 dimensions for stalls and maneuvering areas:

Type	Width (feet)	Depth (feet)	Maneuvering Area (feet)
Parallel	22	9	11
Right angle	9	20	20
Sixty-degree angle	9	18	18
Forty-five degree angle	9	18	12

22 For purposes of compact-car space design, the width of spaces may be reduced to eight (8)
23 feet, six (6) inches. This design dimension modification is permitted in those instances where
24 a parking lot will consist of a minimum of twenty (20) parking spaces upon completion of
25 the design whether located within a parking structure or an open parking surface. The
26 maximum number of compact spaces permitted in any parking lot shall be limited to 20% of
27 the total spaces. Spaces shall be measured between centerlines of painted stripes. These
28 spaces shall be properly signed or marked as compact-car use only. These dimensions are
29 specifically prohibited for use in handicapped or loading-zone areas.

30 **Sec. 36-516. - Fences and Walls.**

- 31 (e) [Height and area regulations.] Fences meeting Zoning and Subdivision Ordinance setback
32 requirements may be constructed to district height as permitted by this Chapter 36. All others
33 are as follows:

- 34 (1) Residential Fence and Wall Standards.

1 a. Between a required building setback line and a street right-of-way, the
2 maximum height shall be four (4) feet. Other fences may be erected to a
3 maximum height of eight (8) feet.

4 (f) Any fence, wall or other construction within public easements shall be constructed in a
5 manner not to impede or otherwise restrict existing drainage patterns, both natural and man-
6 made. No construction within a public easement is allowed without first obtaining required
7 permits. Other ordinance requirements apply as found in this Code Section 36-176.

8 **Article IX - Buffers and Screening.**

9 **Sec. 36-521. - General Provisions.**

10 (c) All applications submitted for Planning Commission review as a Conditional Use Permit or
11 Planned Development shall submit a general plan for treatment of the areas required as
12 buffers. This plan may be general with respect to variety and quantity of trees or shrubs, but
13 shall include a Sketch Grading Plan.

14 **Article X - Signs.**

15 **Sec. 36-530. - Definitions.**

16 *Director* means the Director of the Department of Planning and Development as having authority
17 and responsibility under this Chapter.

18 **Sec. 36-537. - Enforcement Agency.**

19 The Department of Planning and Development shall enforce this Chapter and all references
20 herein.

21 **Sec. 36-538. - Interpretation and Variances by Enforcement Officer.**

22 The Administrator shall interpret the application of the provisions of this Chapter in such a way
23 as to carry out its stated purpose and intent. The Administrator may review requests for variances
24 from the literal provisions of this Chapter in cases where strict enforcement of the Chapter would
25 cause undue hardship to the individual application under consideration and allow such deviation
26 only when it is demonstrated that such action will be in keeping with the spirit and intent of this
27 Chapter. In no event shall the Administrator authorize a deviation of greater than 20% of height
28 and area requirements of this Chapter. Requests for variances greater than 20% of height of area
29 requirements shall be made to the Board of Zoning Adjustment pursuant to Article II, Division 2
30 of this Chapter.

31 **Sec. 36-541. - Contractor - License.**

32 (b) The license of any Sign Contractor may thereafter be cancelled for cause by the Board of
33 Directors. When any Sign Contractor has, within two (2) calendar years, been found guilty
34 of three (3) separate violations of this Chapter or of the Building Code by any Court of
35 Record, whether such judgment be appealed or not, the Department of Planning and

1 Development shall cancel the license. The license of any person which has been cancelled
2 shall not be renewed until all past violations have been corrected, and any application for
3 renewal of the license shall be made to the Board of Directors, and the Department shall file
4 with the Board of Directors a report stating whether or not all previous violations have been
5 corrected.

6 **Sec. 36-545. - Permit.**

7 (f) If a permit is denied, the permit fee will be refunded to the Applicant. If any sign is installed
8 or placed on any property prior to receipt of a permit, the specified permit fee shall be
9 doubled. However, payment of the doubled fee shall not relieve the responsible party of any
10 other requirements or penalties prescribed in this Chapter. The Director of the Department
11 of Planning and Development, or his designee, may accept requests for refunds or unused
12 sign fees when a lease has been terminated or the sign has been destroyed. In the event a
13 lease has been terminated or a sign has been destroyed, the Director of the Department of
14 Planning and Development, or his designee, may refund a portion of the Sign Permit Fee
15 based on the amount of time remaining between the date the lease was terminated or the sign
16 was destroyed and the date the permit expires.

17 **Article XI - Hazardous and Medical Waste Disposal Facilities.**

18 **Sec. 36-576. - Hazardous Waste Disposal Facility - Application Procedure.**

19 Each person seeking a Conditional Use Permit to operate a Hazardous Waste Disposal Facility
20 shall file an application with the Department of Planning and Development and provide the
21 following information:

22 **Sec. 36-579. - Medical Waste Disposal Facility - Application Procedure.**

23 Each person seeking a Conditional Use Permit to operate a Medical Waste Disposal Facility shall
24 file an application with the Department of Planning and Development and provide the following
25 information:

26 **Section 2. Severability.** In the event any title, section, paragraph, item, sentence, clause, phrase, or
27 word of this ordinance is declared or adjudged to be invalid or unconstitutional, such declaration or
28 adjudication shall not affect the remaining portions of the ordinance which shall remain in full force and
29 effect as if the portion so declared or adjudged invalid or unconstitutional was not originally a part of the
30 ordinance.

31 **Section 3. Repealer.** All laws, ordinances, resolutions, or parts of the same that are inconsistent with
32 the provisions of this ordinance are hereby repealed to the extent of such inconsistency.

33 **PASSED: May 19, 2020**

1 **ATTEST:**

2

3

4 _____
Susan Langley, City Clerk

APPROVED:

Frank Scott, Jr., Mayor

5 **APPROVED AS TO LEGAL FORM:**

6

7

8 _____
Thomas M. Carpenter, City Attorney

9 //

10 //

11 //

12 //

13 //

14 //

15 //

16 //

17 //

18 //

19 //

20 //

21 //

22 //

23 //

24 //

25 //

26 //

27 //

28 //

29 //

30 //

31 //

32 //

33 //

34 //

35 //