

**ORDINANCE NO. \_\_\_\_\_**

**AN ORDINANCE TO ESTABLISH THE HEIGHTS LANDSCAPE DESIGN OVERLAY DISTRICT PURSUANT TO THE DESIGN OVERLAY AUTHORITY OF CHAPTER 36 OF THE CODE OF ORDINANCES OF THE CITY OF LITTLE ROCK, ARKANSAS; AND FOR OTHER PURPOSES.**

**WHEREAS**, Heights residents concerned about the future development pattern of their neighborhood worked together to develop proposals during 2017 and 2018; and,

**WHEREAS**, the Heights Neighborhood Association did participate in the development of the draft Design Overlay District (DOD) and recommends its approval; and,

**WHEREAS**, the City of Little Rock desires to protect and support the continued vitality of this neighborhood; and,

**WHEREAS**, the Little Rock Planning Commission has worked with the Heights Neighborhood Association committee since September 2017, and of the topics discussed, trees was chosen to be the subject of the proposed DOD; and,

**WHEREAS**, the Heights Landscape Design Overlay District’s main goal is to have trees retained or planted in the front yards and residents with corner lots shall also retain or plant trees along the street side as new houses are built or additions added to existing structures.

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

**Section 1.** That Little Rock, Arkansas Rev. Code Chapter 36, Article V, Division V is hereby amended to add Section 36-434.46 through 36-434.51 inclusive, known as “Division 17, Heights Landscape Design Overlay District” as follow:

**DIVISION 17. - HEIGHTS LANDSCAPE DESIGN OVERLAY DISTRICT**

**Sec. 36-434.46. - Purpose and intent:**

- (a) *Purpose and intent.* The purpose of the Heights Landscape Design Overlay District (District) is to restore the tree canopy along the streets where new residential construction and expansions of residential structures have decreased or created voids in the tree canopy.
- (b) *District boundaries.* The District shall include all parcels within the area as described: A part of Sections 29, 30, 31, and 32 all in Township 2 North, Range 12 West and a part of Sections 25 and 26 all in Township 2 North, Range 13 West, Pulaski County, Arkansas, being more

particularly described as follows: Beginning at the Centerline intersection of North University Avenue and Evergreen Street; thence north along the centerline of North University Street to the Centerline intersection of Cantrell Road; thence west along the centerline of Cantrell Road to the Centerline intersection of North Hughes Street; thence north along the centerline of North Hughes Street to an extension of the North boundary of Betswood Subdivision; thence Easterly along said North Boundary of Betswood Subdivision to the North East Corner of Tract B Betswood Subdivision; thence Southerly along the East Boundary of Tract B Betswood Subdivision extended to a point on the centerline of Perryville Road; thence Easterly along the centerline of Perryville Road to the Centerline intersection of North McKinley Street; thence north along the centerline of North McKinley Street to the Centerline intersection of Hawthorne Road; thence east along the centerline of Hawthorne Road to the centerline of University Avenue; thence north along the centerline of University Avenue to Brentwood Road; thence west along the centerline of Brentwood Road to an extension of the west boundary of the Mountain Home Subdivision; thence north along the western boundary of the Mountain Home Subdivision extended to a point on the centerline of Longwood Road; thence east along the centerline of Longwood Road extended to the west boundary of the South West  $\frac{1}{4}$  North West  $\frac{1}{4}$  of Section 30, Township 2 North, Range 12 West; thence north along the west line of T2N R12W Sec 30 to a point on Centerline of the CRI&P railroad; thence southeasterly along the centerline of the CRI&P railroad to the intersection of an extension of the west boundary of Lot 31 Sherrill Heights Subdivision; thence along the West line of said Sherrill Height Subdivision to the North West corner of Lot 11 Club Terrace Subdivision; thence Southerly along the West line of Club Terrace Subdivision to a point on the North line of the South East  $\frac{1}{4}$  South West  $\frac{1}{4}$  of Section 29, Township 2 North, Range 12 West; thence Easterly along said North line to the North East Corner of the South East  $\frac{1}{4}$  South West  $\frac{1}{4}$  of said Section 29; thence Southerly along East line of the South West  $\frac{1}{4}$  of said Section 29 to the South East Corner of the South West  $\frac{1}{4}$  of said Section 29; thence west along the south line of T2N R12W Sec 29 to the Centerline intersection of Cantrell Road; thence southeasterly along the centerline of Cantrell Road to the Centerline intersection of Allsopp Park Road; thence southwesterly along the centerline of Allsopp park Road to the Centerline intersection of North Lookout Road; thence southwesterly along the centerline of North Lookout Road to the Centerline intersection of Kavanaugh Boulevard; thence northwesterly along the centerline of Kavanaugh Boulevard to the Centerline intersection of L Street; thence west along the centerline of L Street to the Centerline intersection of North Fillmore Street; thence south along the centerline of North Fillmore Street to the Centerline

intersection of Evergreen Drive; thence west along the centerline of Evergreen Drive to the point of Beginning.

**See attached Exhibit “A” for map of area.**

**Sec. 36-434.47. - Definitions.**

*Tree Canopy.* See definition of Canopy in Chapter 15 Landscaping and Tree Protection.

*Responsible Party.* See definition of Responsible Party in Chapter 15 Landscaping and Tree Protection.

*Preserved Tree.* See definition of Preserved Tree in Chapter 15 Landscaping and Tree Protection.

**Sec. 36-434.48. - Application of design regulations.**

- (a) The regulations in this Division shall be in addition to and shall overlay all other Zoning Districts and other ordinances requirements regulating the development of land so that any parcel of land lying in the Overlay District shall also lie within one (1) or more of the other underlying Zoning Districts. Therefore, all property within this Overlay District will have requirements of both the underlying and overlay Zoning District in addition to other ordinance requirements regulating the development of land. In case of conflicting standards between this Division and other City Ordinances, the overlay requirements shall control.
- (b) These regulations shall apply to all lots zoned or occupied by single-family or two-family dwellings except non-residentially occupied lots with Conditional Use Permits.
  - (1) Any addition to the principal structure of more than 600 square-feet of foundation area.
  - (2) All other subsequent additions after passage of this division that result in total of more than 600 square-feet of foundation area added to the principal structure as existing before the passage of this Division.
  - (3) Construction of new single-family or two-family structures.
  - (4) Any lot that has had the principal building demolished and has not had active construction activities on that lot within one year of the demolition permit being issued.

**Sec. 36-434.49. - Review section.**

The Director of the Department of Planning & Development shall determine compliance of all Building Permit requests within the boundaries of the Heights Landscape Design Overlay District prior to the issuance of Building Permits.

**Sec. 36-434.50.** New construction and additions or modifications to existing structures on lots zoned or occupied by single-family or two-family dwellings except non-residentially occupied lots with Conditional Use Permits.

In order to be compatible with the tree canopy of the neighborhood, new construction and additions to existing structures shall comply with the following criteria. Plans for new construction, additions and modifications which are subject to this ordinance shall be submitted to the Department of Planning & Development. The Department will review plans for consistency with the detailed requirements of this ordinance and consistency with the tree canopy of the District.

- (a) *Tree Preservation.* There is no requirement under this Division to preserve existing trees within the front-yard and street side-yard setbacks as defined per the underlying zoning. However, the responsible party may select certain trees to be preserved to comply with the provisions of this Division. See Section 15-52 (g) Prohibited Activities and Section 15-52 (h) Tree Protection for proper methods of tree preservation.
- (b) *Credits for Preserved Trees.* For each existing tree preserved within the front or side-yard setback, there shall be a one-to-one credit applied to the minimum tree requirements. Trees located in the front or side-yard setback that are to be preserved that are twelve (12) inches or greater diameter at breast height (DBH) shall fulfill all requirements for the required trees within the front or side-yard setback.
- (c) *Required tree planting.* One two and one-half (2-1/2)-inch or greater caliper single-trunk tree measured at twelve (12) inches above soil line shall be planted for every forty (40) feet or portion thereof of street frontage of the lot. Multi-trunk trees shall be measured as a total caliper of all trunks at twelve (12) inches above soil line and shall be required to have a minimum of four and one half (4-1/2)-inch or greater caliper. On corner lots, trees required on one street frontage may not be planted on a different street frontage. A minimum of one (1) tree shall be planted for each street frontage.
- (d) *Tree form.* Trees planted shall provide shade. Trees shall not be planted that are of a columnar form at maturity. A tree with a columnar form at maturity will be five (5) or more times as tall as they are wide.
- (e) *Species.* Trees shall be selected from the list attached as Exhibit B. Native species not on the list are permitted upon review and approval by Planning & Development Staff.

**See attached Exhibit “B” for a list of Trees.**

- (f) *Location.* Trees shall be planted within the front-yard and street side-yard setbacks as defined per the underlying zoning. Trees shall not be planted within five (5) feet of adjoining property

lines. A Franchise Permit is required for all trees that are proposed to be planted in the public right-of-way. All tree plantings shall not interfere with above or below ground utilities, obstruct views at intersections, or cause other public safety concerns.

- (g) *Installation.* Trees shall be planted according to recognized horticultural practices.
- (h) *Continuous Maintenance.* See Sec 15-53. *Tree Pruning.* Responsible parties shall in no instance overly prune to reduce or prohibit a tree's mature height and spread. Trees shall not be topped. Trees shall be maintained according to recognized horticultural practices. Any preserved or required trees that die shall be replaced by the responsible party. Required trees that are destroyed or removed by act or consent of the responsible party shall be replaced. Replacement shall occur within six (6) months in accordance with good horticultural practices and in compliance with this chapter.
- (i) *Standards for Preserved Trees.* The City Official may visit each site and review photographs of each site for which there is a plan in order to verify that the trees to be preserved pursuant to the plan are of sufficient size, quantity and quality to warrant preservation. Trees that do not warrant preservation shall not qualify as preserved trees as determined by the City Official.
- (j) *Utility.* This article shall not apply to the maintenance of overhead or underground utility lines, nor does it apply to the development of subdivisions in the construction of streets, curbs, gutters, storm sewers and overhead or underground utility lines. It is expected that proper care and planning are used in the construction so that the maximum number of trees can be preserved.

**Sec. 36-434.51. - Exceptions.**

Any request to vary, alter, or modify specifications of this Design Overlay District shall be processed as a request for a variance as per Article II, Division 2 of this Chapter.

**Section 2.** Nothing in this ordinance shall affect any Planned Zoning District in affect prior to the date of the approval of this ordinance.

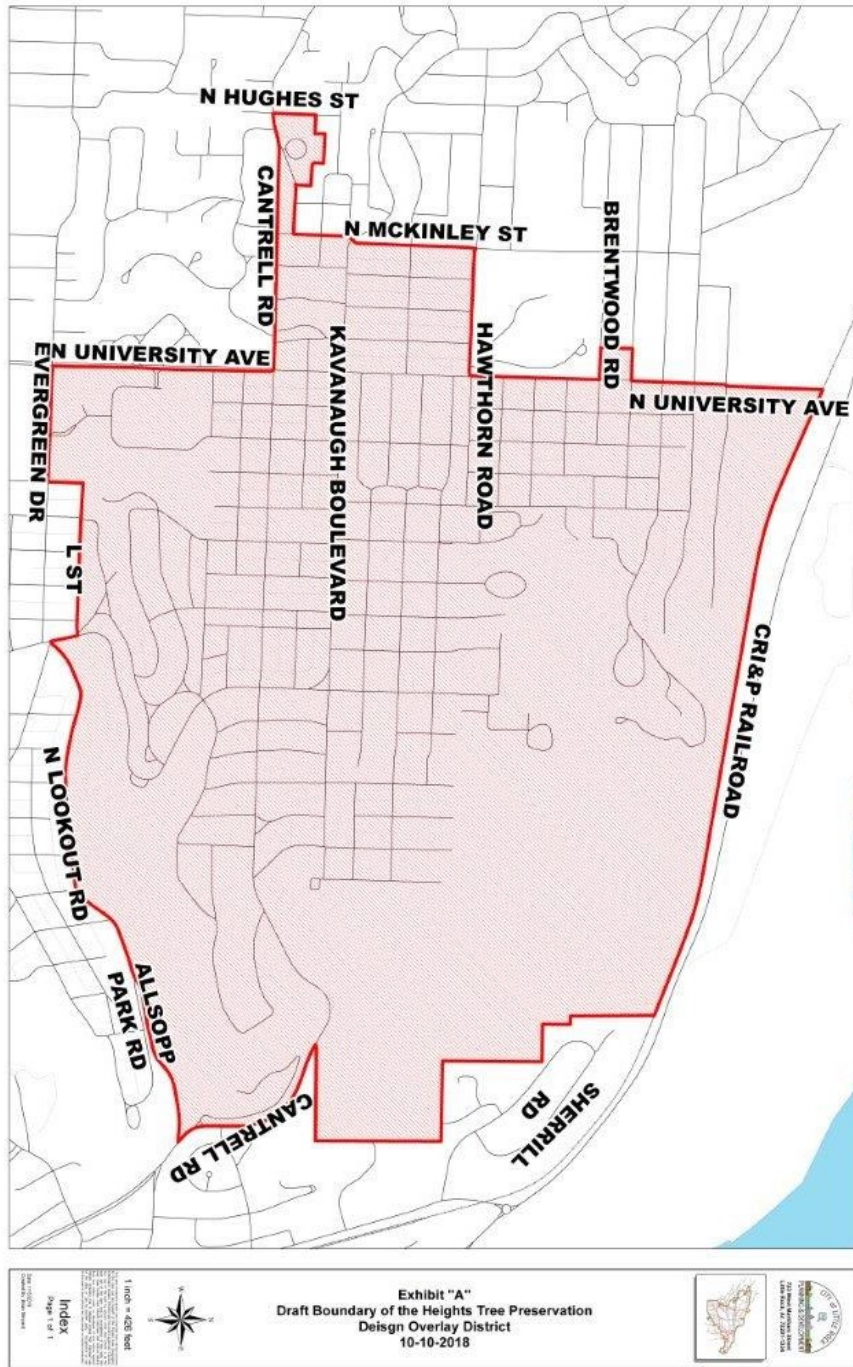
**Section 3. Severability.** In the event any title, section, paragraph, item, sentence, clause, phrase, or word of this ordinance is declared or adjudged to be invalid or unconstitutional, such declaration or adjudication shall not affect the remaining portions of the ordinance which shall remain in full force and effect as if the portion so declared or adjudged invalid or unconstitutional was not originally a part of the ordinance.

**Section 4. Repealer.** All laws, ordinances, resolutions, or parts of the same that are inconsistent with the provisions of this ordinance are hereby repealed to the extent of such inconsistency.

**PASSED: June 18, 2019**



Exhibit A



## Exhibit B

Trees shall be selected from the following list:		
(1) Deciduous—Large (average height 60' × 40' width)		
Botanical Name	Common Name	Native species
<i>Fagus grandifolia</i>	American Beech	
<i>Liriodendron tulipifera</i>	Tulip Poplar Tree	
<i>Magnolia acuminata</i>	Cucumber Magnolia	
<i>Platanus occidentalis</i>	Sycamore	
<i>Quercus acutissima</i>	Sawtooth Oak	
<i>Quercus alba</i>	White Oak	Yes
<i>Quercus falcata</i>	Southern Red Oak	Yes
<i>Quercus michauxii</i>	Swamp Chestnut Oak	Yes
<i>Quercus nigra</i>	Water Oak	Yes
<i>Quercus nuttallii</i>	Nuttall Oak	Yes
<i>Quercus palustris</i>	Pin Oak	Yes
<i>Quercus phellos</i>	Willow Oak	Yes
<i>Quercus shumardii</i>	Shumard Oak	Yes
(2) Deciduous—Medium Trees (average height 40' × 30' width)		
Botanical Name	Common Name	Native species
<i>Acer rubrum</i> "Drummondii"	Swamp Red Maple	
<i>Acer rubrum</i>	"Red Sunset" Red Sunset Maple	
<i>Betula nigra</i>	River Birch	Yes
<i>Ginkgo biloba</i>	Ginkgo (male)	
<i>Koelreuteria paniculata</i>	Golden Rain Tree	
<i>Pistacia chinensis</i>	Pistachio	
<i>Taxodium distichum</i>	Bald Cypress	Yes
<i>Ulmus parvifolia</i>	Chinese Elm	
(3) Trees to be planted under utility lines shall be selected from the following species:		
Deciduous—Small Trees (average height 20' × 15' width)		
Botanical Name	Common Name	Native species
<i>Acer palmatum</i>	Japanese Maple	
<i>Cercis canadensis</i>	Redbud	



<i>Cercis chinensis</i>	Chinese Redbud	
<i>Cornus florida</i>	Flowering Dogwood	Yes
<i>Ilex decidua</i>	Deciduous Holly	
<i>Magnolia soulangiana</i>	Saucer Magnolia	
(4) Evergreen—Large Trees (average height 60' × 30' width)		
Botanical Name	Common Name	Native species
<i>Magnolia grandiflora</i>	Southern Magnolia	
(5) Evergreen—Medium Trees (average height 40' × 30' width)		
Botanical Name	Common Name	Native species
<i>Ilex opaca</i>	American Holly	
<i>Magnolia virginiana</i>	Sweet Bay Magnolia	
(6) Evergreen—Small Trees (average height 20' × 15' width)		
Botanical Name	Common Name	Native species
<i>Ilex attenuata</i> "Fosteri"	Foster's Holly	
<i>Ilex vomitoria</i>	Yaupon Holly	