

DIVISION 17. - DESIGN OVERLAY DISTRICT—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 ¼ North West ¼ 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 ¼ South West ¼ of Section 29, Township 2 North, Range 12 West; thence Easterly along said North line to the North East Corner of the South East ¼ South West ¼ of said Section 29; thence Southerly along East line of the South West ¼ of said Section 29 to the South East Corner of the South West ¼ 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 Tree 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.
 - (1) Any addition to the principal structure of more than four hundred (400) square feet of foundation area.
 - (2) All other subsequent additions after passage of this division that result in total of more than (400) square feet of foundation area 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 and 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.

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 and 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, there shall be a one to one credit applied to the minimum tree requirements.

- (c) *Required tree planting.* One three (3) inch or greater caliper single trunk tree measured at 12" 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 12" above soil line and shall be required to have a minimum of (4-1/2) four and one half 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 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 or more times as tall as they are wide.
- (e) *Species.* Trees shall be selected from the following list. Native species not on the list are permitted upon review and approval by Planning and Development Staff.

| (1) Deciduous—Large (average height 60' x 40' width) | | |
|---|-------------------------------|----------------|
| Botanical Name | Common Name | Native species |
| Fagus grandifolia | American Beech | |
| Liriodendron tulipifera | Tulip Poplar Tree | |
| Magnolia acuminata | Cucumber Magnolia | |
| Platanus occidentalis | Sycamore | |
| Quercus acutissima | Sawtooth Oak | |
| Quercus alba | White Oak | Yes |
| Quercus falcata | Southern Red Oak | Yes |
| Quercus michauxii | Swamp Chestnut Oak | Yes |
| Quercus nigra | Water Oak | Yes |
| Quercus nuttallii | Nuttall Oak | Yes |
| Quercus palustris | Pin Oak | Yes |
| Quercus phellos | Willow Oak | Yes |
| Quercus shumardii | Shumard Oak | Yes |
| (2) Deciduous—Medium Trees (average height 40' x 30' width) | | |
| Botanical Name | Common Name | Native species |
| Acer rubrum "Drummondii" | Swamp Red Maple | |
| Acer rubrum | "Red Sunset" Red Sunset Maple | |
| Betula nigra | River Birch | Yes |
| Ginkgo biloba | Ginkgo (male) | |
| Koelreuteria paniculata | Golden Rain Tree | |
| Pistacia chinensis | Pistachio | |

| | | |
|---|--------------------|----------------|
| Taxodium distichum | Bald Cypress | Yes |
| Ulmus parvifolia | Chinese Elm | |
| (3) Trees to be planted under utility lines shall be selected from the following species: Deciduous—Small Trees (average height 20' x 15' width) | | |
| Botanical Name | Common Name | Native species |
| Acer palmatum | Japanese Maple | |
| Cercis canadensis | Redbud | |
| Cercis chinensis | Chinese Redbud | |
| Cornus florida | Flowering Dogwood | Yes |
| Ilex decidua | Deciduous Holly | |
| Magnolia soulangiana | Saucer Magnolia | |
| (4) Evergreen—Large Trees (average height 60' x 30' width) | | |
| Botanical Name | Common Name | Native species |
| Magnolia grandiflora | Southern Magnolia | |
| (5) Evergreen—Medium Trees (average height 40' x 30' width) | | |
| Botanical Name | Common Name | Native species |
| Ilex opaca | American Holly | |
| Magnolia virginiana | Sweet Bay Magnolia | |
| (6) Evergreen—Small Trees (average height 20' x 15' width) | | |
| Botanical Name | Common Name | Native species |
| Ilex attenuata "Fosteri" | Foster's Holly | |
| Ilex vomitoria | Yaupon Holly | |

- (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.

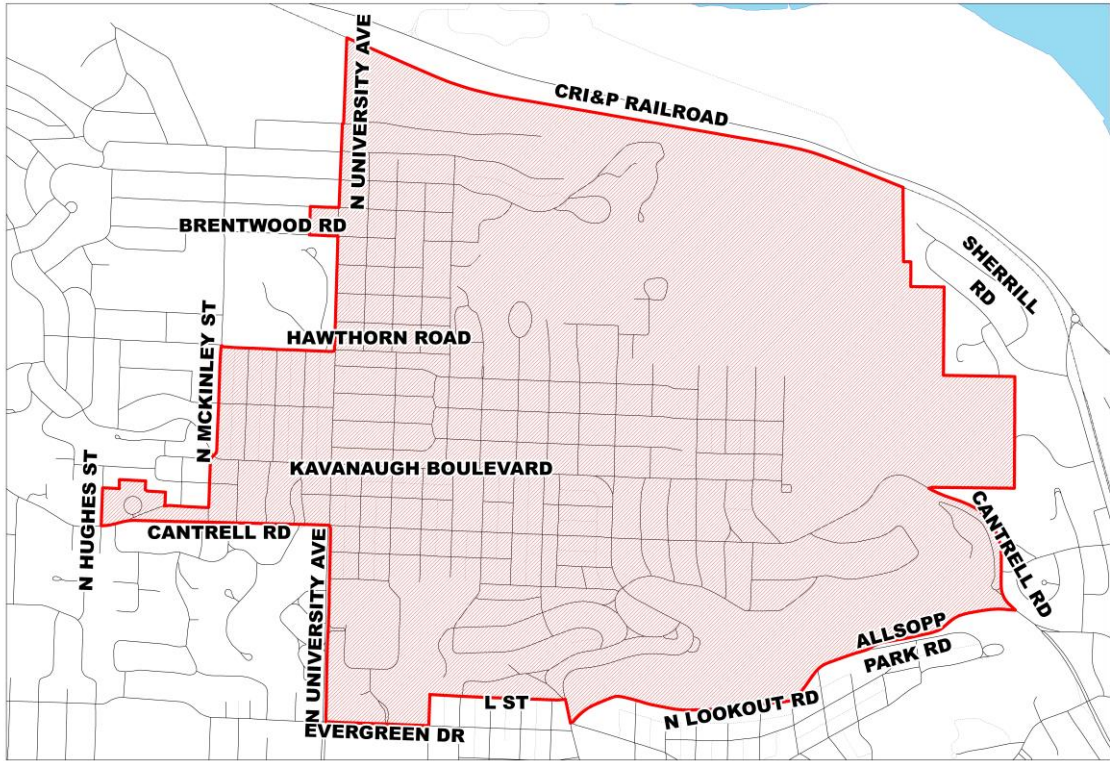
Trees shall not be topped. Trees shall be maintained according to recognized horticultural practices. Any preserved or required trees that die shall be replaced by the responsible party. Required trees that are destroyed or removed by act or consent of the responsible party shall be replaced. Replacement shall occur within six 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.

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 CITY OF LITTLE ROCK
 PLANNING & DEVELOPMENT
 1115 West Main Street
 Little Rock, AR 72201-1014



Exhibit "A"
 Draft Boundary of the Heights Tree Preservation
 Design Overlay District
 10-10-2018


 1 inch = 426 feet

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Date: 10/10/18
 Drawing No: 1018-001

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