

-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 **except non-residentially occupied lots with conditional use permits.**
 - (1) Any addition to the principal structure of more than ~~four hundred (400)~~ **six hundred (600)** square feet of foundation area.
 - (2) All other subsequent additions after passage of this division that result in total of more than ~~(400)~~ **six hundred (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 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 **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 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 **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 ~~three (3)~~ **two and one-half (2-1/2)** 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.

