

CITY OF BRYANT

**ZONING
CODE**

CITY OF BRYANT ZONING CODE

Revised: March 27, 2018
Ordinance No. 2018-13

Amendments

| | | |
|-------------------|------------|--|
| Ordinance 2018-13 | 3/27/2018 | Administration, ADUs, Live Work Units – Eff. 4/27/2018 |
| Ordinance 2018-06 | 2/28/2018 | PUD Regulations – Effective 3/28/2018 |
| Ordinance 2018-03 | 1/30/2018 | Short Term Rentals |
| Ordinance 2017-31 | 10/24/2017 | Purpose and Authority, General Provisions, Misc. |
| Ordinance 2017-25 | 9/26/2017 | Residential Districts, Design Standards, |

CITY OF BRYANT
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SECTION 1 – PURPOSE AND AUTHORITY

Amended: Ordinance 2017-31

Section 1.1: Title and Purpose

1.1.1 Citation

This Code shall be known as the City of Bryant Zoning Code, and may be cited as such or, for brevity, as the “Zoning Code” or “Zoning Regulations.”

1.1.2 Purpose

The regulations of the code are enacted to carry out or protect various elements of the Bryant Comprehensive Plan and all other adopted plans and policies of the City of Bryant. Further, the code promotes, in accordance with present and future needs: the health, safety, order, convenience, prosperity, and general welfare of the residents of Bryant. The code supports, in addition to other elements, the following:

- A. Efficiency and economy in the process of development,
- B. Appropriate and best use of land,
- C. Convenience of traffic and circulation of people and goods,
- D. Safety from fire and other dangers,
- E. Adequate light and air in the use and occupancy of buildings,
- F. Healthful and convenient distribution of population,
- G. Good civic design and arrangement,
- H. Adequate public utilities and facilities,
- I. Wise and efficient expenditure of funds.

Section 1.2: Authority

The provisions contained in this Code are adopted pursuant to the authority conferred to the city by the General Assembly of the State of Arkansas, A.C.A § 14-54-103, General Powers of Cities and Towns; A.C.A § 14-54-103, Additional Powers of Cities of the First Class; and A.C.A Title 14, Chapter 56, Municipal Building and Zoning Regulations – Planning, as amended.

Section 1.3: Jurisdiction

The provisions of this code apply to lands within the corporate limits of the City of Bryant.

Section 1.4: Coordination with other Regulations

The use of buildings and land within the City of Bryant is subject to other regulations as well as the Zoning Code, whether or not such regulations are specifically referenced in the Zoning Code. The lack of a cross-reference to other regulations does not exempt the application of other regulations.

Section 1.5: Validity and Repeal

1.5.1 Validity

The Zoning Code and its various parts, sections, subsections, sentences, phrases, and clauses are severable. If any part of this Code is ruled to be invalid or unconstitutional, the remainder of the Code shall not be affected. All remaining portions of the Code would have been passed irrespective of the validity of any provision in this Code.

1.5.2 Repeal

All of parts of ordinances in conflict with the Zoning Code or inconsistent with provisions of this Code are repealed to the extent necessary to give the Zoning Code full force and effect upon its adoption.

SECTION 2 - APPLICATIONS AND FEES

Reserved

SECTION 3 - ADMINISTRATION AND ENFORCEMENT

Amended: Ordinance 2018-13

The provisions of this Code shall be administered by the Administrative Official. This person or persons shall be designated by the Mayor. The Administrative Official may be provided with the assistance of such other persons as the Planning Commission and/or City Council may direct.

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

- A. Application Review and Approval: Examine and approve applications pertaining to the use of land, buildings, signs, or structures to determine if the application conforms with the provisions of this Code. The Administrative Official shall be responsible for issuing notices of approval or denial. Approval authority shall rest with the Administrative Official where not otherwise designated to the City Council, Planning Commission, or other committee created by the Planning Commission.
- B. Permits and Certificates of Occupancy: Issue or deny building permits and certificates of occupancy based upon compliance with this Code and other applicable codes. Written notice stating the reasons for denial will be provided with any building permit or certificate of occupancy that is denied.
- C. Records: Make and keep permanent records of actions taken. This shall include the issuance and denial of all building permits and certificates of occupancy, issuance of any approval or denials by the Administrative Official, actions and decisions of the planning commission and its committees, and records of violations and enforcement actions.
- D. Inspections: Conduct inspections of buildings, structures, and use of land as is necessary to determine compliance with the regulations of this Code.
- E. Enforcement: Enforce these regulations and take all necessary steps to remedy any condition found in violation.

Section 3.2: Planning Commission and Staff Committees

The following committees may be created and maintained to assist in long-range planning and carrying out these regulations:

3.2.1 Development Review Committee

The Development Review Committee shall be a staff committee and consist of the following:

- A. Members: The Development Review Committee voting members shall consist of the planning director, a planning department designee, public works director, a public works department designee, city engineer, chief building official or his/her designee, fire chief or his/her designee, Planning Commission chair or designee, and a Planning Commission liaison. The Planning Commission chair appoint a designee to serve in his/her place and shall appoint a Planning Commission liaison. The Mayor shall appoint a City Council liaison to serve as a non-voting member and shall be provide input to the committee. Representatives from all private utility

providers shall also be non-voting members of the committee and shall be invited to provide input to the committee.

- B. Meetings: The Development Review Committee shall officially meet bi-weekly according to a schedule maintained by the Planning and Community Development Department. Such meetings shall be public and open to public attendance.
- C. Purpose and Authority: The purpose of the Development Review Committee shall be to review all applications related to the Zoning Code, Subdivision Code, or other applicable code; and handle approvals as designated by this Code and other applicable city codes. All decisions made by the Development Review Committee may be appealed to the Planning Commission upon written request of appeal submitted to the Administrative Official.
- D. Duties: The duties of the Development Review Committee members shall be to attend all meetings, review and provide comments on applications submitted for review prior to meetings, and assist applicants through the review process.
- E. Report: The Development Review Committee shall provide reports to the Planning Commission and Board of Adjustment regarding each application reviewed by the Committee and/or any matters requiring the attention or action of the Planning Commission.
- F. Records: The Development Review Committee shall keep permanent records of all actions taken by the committee.

3.2.2 Long-Range Planning Committee

The Long-Range Planning Committee shall be an ad-hoc committee and its establishment shall rest at the discretion of the Planning Commission. When and if formed, it shall be governed by the following:

- A. Members: The members of the Long-Range Planning Committee shall consist of the Mayor, four members of the Planning Commission including the Planning Commission Chair or his/her designee, and up to three community representatives. The Mayor shall appoint the community representatives, and the Planning Commission Chair shall appoint the planning commissioners. The committee shall also consist of city staff as may be necessary to advise the committee in a non-voting capacity.
- B. Meetings: The Long-Range Planning Committee shall be chaired by the Mayor and shall meet at least quarterly to perform its duties as detailed in this section.
- C. Purpose: The purpose of the Long-Range Planning Committee shall be to monitor present and future planning issues.
- D. Duties: The duties of the Long-Range Planning Committee shall be to identify, research, and recommend, as needed, to the Planning Commission long range planning goals, reports, regulation changes, and procedural issues.

- E. Report: The Long-Range Planning Committee shall periodically report to the Planning Commission on the progress of the Long-Range Planning Committee and/or any matters requiring the attention or action of the Planning Commission.

Section 3.3: Building Codes

All fabrication, erection, construction, enlargement, alteration, repairs of buildings or structures shall meet the Arkansas Fire Prevention Code or other applicable state and city codes.

Section 3.4: Building Permits and Certificates of Occupancy

3.4.1 Building Permits

- A. No building or structure shall be erected, altered, or moved, without a building permit issued by the Administrative Official. No building permit shall be issued for the construction of any building or structure located on a lot or parcel subdivided or sold in violation of the provisions of this Code or other applicable city/state regulations. The City of Bryant shall not have any obligation to issue certificates of occupancy or to extend utility services to any parcel created in violation of this Code or other applicable city/state regulations or to any land or structure where a violation of this Code or other applicable city/state regulation exists.
- B. A permit will be issued only when the application has been approved by the City of Bryant as meeting all the requirements of this Code and other applicable codes. The permit must be posted in a conspicuous place on the front of the premises.
- C. All applications for a building permit shall be accompanied by a survey in duplicate drawn to scale, showing the actual dimensions of the lot to be built upon, the size of the building to be erected, the use to which the building or land is to be put, the location of the building upon the lot, and such other information as may be necessary to provide for the enforcement of this Code. A record of each application with attached copy of any approved plan shall be kept by the Administrative Official.
- D. If any construction, alteration or installation is done in or on any building, structure, or premise, or any part without the permits required, the Administrative Official shall issue a stop order, directing such construction to cease immediately.
- E. If, after a stop order has been issued, there is any reason to believe that further work on such construction, alteration or installation is being done, has been done, or that such maintenance or operation is being carried on, the Administrative Official shall notify the City Attorney. The City Attorney shall proceed to obtain an injunction as provided by law.

3.4.2 Certificates of Occupancy

- A. No building erected or structurally altered shall be used, occupied or changed in use until a Certificate of Occupancy has been issued by the Administrative Official, stating that the building or proposed use of a building or premises complies with the provisions of this Code and other

applicable codes. The Administrative Official shall maintain a record of all Certificates of Occupancy.

- B. The Administrative Official may revoke a Certificate of Occupancy when it is found that the building or land does not conform to the use or condition of use for which it is approved.

3.4.3 Temporary Certificate of Occupancy

- A. A temporary Certificate of Occupancy may be issued by the Administrative Official for a portion or portions of a building, which may safely be occupied prior to final completion of the building. A Temporary Certificate of Occupancy shall be valid for a period not exceeding sixty (60) days.
- B. Where a temporary Certificate of Occupancy is issued, the applicant must provide a cash deposit of \$1,500.00 to the city. Upon issuance of the permanent certificate of occupancy to the applicant, the cash deposit shall be returned to the applicant.

Section 3.3: Enforcement

- A. It is illegal to build, construct, reconstruct, alter, maintain, or use any land, building, or structure in violation of this code or any order/decision of the City Council, Board of Adjustment, Planning Commission or its committees, or Administrative Official.
- B. Whenever a violation of these regulations occurs, or is alleged to have occurred, any person may make a complaint. Such complaint shall state the causes and basis of the complaint, and shall be made with the Administrative Official. He/she shall record such complaint and determination if a violation has occurred or is occurring.
- C. If the Administrative Official finds that the provisions of these regulations are being violated, he/she shall notify in writing the person responsible for such violations, indicating the nature of the violation and ordering the action necessary to correct it.
- D. Should the person responsible for such violations fail to take the necessary action to correct it, the Administrative Official shall notify the City Attorney, and the City Attorney shall within seven (7) days apply for an injunction, mandamus, or other process to prevent, enjoin, abate, or remove said violation to these regulations.

Section 3.4: Violations and Penalties

- A. Any person, firm, or corporation that violates any provision of these regulations or amendments shall be guilty of a misdemeanor and on conviction shall be fined not less than fifty dollars (\$50.00) and not more than five hundred dollars (\$500.00). Each day that violation of these regulations is in effect constitutes a separate offense and is subject to additional fines of not less than fifty dollars (\$50.00) and not more than five hundred dollars (\$500.00) per day.
- B. The owner of record of any real property who participates in, assists, directs, creates, or maintains any situation in violation of this Code may be held liable for such penalties or remedies

required. Tenants, occupants, architects, engineers, builders, developers, contractors, agents, or persons that assist, direct, create, or maintains any situation in violation of this Code may be held liable for such penalties or remedies required.

SECTION 4 – GENERAL PROVISIONS

Amended: Ordinance 2017-31, 2017-25

Section 4.1: Official Zoning Map

4.1.1 Establishment of Official Zoning Map

The location and boundaries of the Zoning Districts contained in these regulations are shown on a map designated as the “Official Zoning Map.” The map and all its contents are a part of the Zoning Code and may be called the Zoning Map or similar terminology within this Code. The Official Zoning Map is kept and maintained at City Hall. It is available for public access during regular working hours.

4.1.2 Interpretation of District Boundaries

Where uncertainty exists as to the boundaries of districts as shown on the Zoning Map, the following apply:

- A. District boundary lines in general are intended to be along or parallel to street centerlines, alleys, easements, right-of-ways, waterways, and parcel boundaries.
- B. Distances of district boundaries shall be determined by the measured scale of the Official Zoning Map.

4.1.3 Conformance to Comprehensive Plan Map

Zoning designations changed after the adoption date of this code shall conform to the city’s adopted Comprehensive Plan Map. If a proposed rezoning conflicts with the Comprehensive Plan Map, the applicant must first request an amendment to the Comprehensive Plan. Submission of a request for an amendment to the Comprehensive Plan simultaneously with a rezoning request is allowed.

Section 4.2: General

Except as otherwise allowed, no use shall be established and no building, structure, or improvement shall be made, erected, constructed, moved, altered, enlarged, or rebuilt except in conformance with the entirety of this Code and other applicable regulations.

4.2.1 Determination of Uses not Listed

- A. When a use is not specifically listed as a permitted or conditional use within a particular zoning district, the Administrative Official shall have the authority to determine the compatibility of the unlisted land use. The Administrative Official shall have the right to defer a determination of compatibility to the Planning Commission.
- B. Such determination shall be made by examining the nature and external impacts of the land use in comparison with the permitted and conditional uses listed in the zoning district. The Administrative Official shall provide written findings to the Planning Commission supporting the determination.
- C. If the land use is determined to be compatible within a particular zoning district, it shall be treated as a conditional use until such reasonable time as the Planning Commission and City Council can amend the Zoning Code.

- D. If the Administrative Official determines the land use to be incompatible, the issue shall be referred to the Planning Commission for review. The Planning Commission shall determine if the land use shall be considered compatible or shall be prohibited. Such determination shall be supported by written findings based on the nature and external impacts of the land use in comparison with the permitted and conditional uses in the zoning district.
- E. If the Planning Commission determines the land use to be compatible within a particular zoning district, it shall be treated as a conditional use until such reasonable time as the Planning Commission and City Council can amend the Zoning Code.

4.2.2 Completion of Existing Buildings

- A. Nothing in these regulations shall require any change in plans, construction, or designated use of a building under construction prior to a change to any provision of this Code.
- B. Nothing in these regulations shall require any change in plans, construction, or designated use of a building for which a building permit has been issued within 30 days prior to a change to any provision of this Code provided construction is started before the expiration of the building permit.
- C. For lands annexed into the City of Bryant after December 1st 2017, nothing in these regulations shall require any change in plans, construction, or designated use of a building under construction. This shall also apply to any building, not yet under construction, for which a valid building permit exists that was issued by Saline County.

4.2.3 Preservation of Minimum Lot Areas

Unless by a variance, no lot or yard area, or other open space, or off-street parking or loading space required may be reduced in dimension, number, or area below the minimum requirements of the Zoning Code. No lot or division of property shall be approved that will result in a lot size or yard area reduced below the minimum requirements of this Code.

4.2.4 Principal Structure on Lots

Where residential use is permitted, only one principal structure and its customary accessory structures may be built on any lot unless otherwise provided in this Code.

Accessory structures with sinks, cook stoves, other kitchen facilities, and bathroom facilities designed for the independent occupancy of a structure are considered evidence that the structure is not an accessory structure but a separate dwelling.

4.2.5 Lots of Record

Any nonconforming lot that was platted before September 26th, 2017, may be used for a permitted use provided that the setbacks are not reduced less than seventy-five (75) percent of the zoning requirement. No setback may be reduced to less than five (5) feet.

This provision shall only apply to the following nonconforming lots:

- A. Lots that do not meet the minimum lot width or lot size requirements in its zoning district;

- B. Lots that have been built upon such that the building setback, yards, open space, building height, or location of parking or loading spaces, do not now comply with the requirements in its zoning district.

4.2.6 Uniform Application

The provisions of this Code shall apply uniformly within the City of Bryant. The provisions specific to each Zoning District shall apply uniformly within each Zoning District.

4.2.7 Emergencies

The City of Bryant shall have the authority to waive the provisions of the Zoning Code during local emergencies declared by Federal, State or local officials. Such emergencies may include natural disasters, wildfires that cover an area in excess of one acre in an urbanized area of the City, geological disasters, or similar widespread destruction and distress.

Section 4.3: Relationship to Private Covenants

The provisions of the Zoning Code are not intended to affect any deed restriction, covenant, easement, or any other private agreement or restriction on the use of land. However, to the extent that provisions of such private covenants or agreements are less stringent than the provisions of this Code, they shall be considered invalid. Private covenants and agreements shall not be enforced by the City of Bryant.

Section 4.4: Annexed Lands

Territory may be annexed to the city by one of three methods. These are the election method, the petition method, and the annexation of islands by city ordinance.

4.4.1 Petition Method

- A. Petition Submittal: The petition submittal to the City must include the following:
 - 1. An accurate legal description for the area proposed to be annexed, which must be contiguous to the city limits. A letter or title opinion from a certified abstractor or title company verifying the petitioners are the owners of record shall be required if the submittal is a 100% petition annexation.
 - 2. An accurate map which shows the proposed annexation and its relationship to the city limits.
 - 3. A schedule of services that will be extended to the area within three (3) years may be included. A schedule of services shall be required if the submittal is a 100% petition annexation.
 - 4. The petition must be attested and signed by a majority of real estate owners. The "majority of real estate owners" referred to in this section means a majority of the total number of real estate owners in the area affected if the majority of the total number of owners own more than one-half (1/2) of the acreage affected.
 - 5. A fee of in accordance with the City of Bryant schedule of fees.

6. A completed annexation application to the City of Bryant.
- B. Petition Review: Upon receipt of the application, the Administrative Official shall have a review period of no more than forty-five (45) days to provide comments to the City Council regarding the annexation's impact on the city and provide a recommendation for action.
- C. County Petition Submittal: Prior to any action by the City Council, the petition must be submitted to the County Clerk with jurisdiction over the area under consideration. 100% petition annexation submittals shall also be filed with the County Assessor.
- D. Determination of Zoning: The petitioner may request, when application is made, that the Planning Commission hold a public hearing and recommend a permanent zoning classification to the City Council. Notice of the public hearing shall be advertised in a newspaper of general circulation no less than 15 days prior to the hearing. If the petitioner does not request that the Planning Commission prepare a recommendation when the annexation ordinance is passed, the territory annexed by ordinance shall be placed in a zoning district classification in accordance with the adopted Comprehensive Plan.
- E. Hearing on Petition: The requirements of this section shall not apply to 100% petition annexations.
 1. The county clerk shall file the petition and set a hearing date.
 2. The hearing date shall not be less than thirty (30) days after the filing of the petition.
 3. A notice of public hearing in must run in a paper of general circulation once (1) a week for three (3) consecutives weeks prior to the hearing.
 4. The hearing shall be before the County Court.
- F. Order of Annexation for Majority Petitions
 1. After the hearing, if the county court is satisfied that the requirements have been complied with, and if the court is satisfied that the limits of the territory to be annexed have been accurately described and an accurate map in accordance with the Arkansas GIS office has been approved and filed. The court shall enter its order granting the petition and annexing the territory to the City.
 2. The order shall be recorded by the clerk of the County.
 3. No further action shall be taken for a period of thirty (30) days after the order for annexation has been entered. Within that time any person interested may institute a proceeding in the circuit court to have the annexation prevented.

4. After thirty (30) days have passed and no lawsuit has been filed against the annexation in circuit court, the annexation shall be confirmed by a decree of annexation.
 - a. The city council may pass an ordinance after the third (3rd) reading accepting the annexed territory to the City and assign it to a designated ward. The ordinance shall indicate the effective date of the annexation, the zoning district assigned to the annexed property, and shall include annexation of any dedicated street right-of-way that is adjacent or abutting the annexed lands.
 - b. If the council accepts the territory, the city clerk shall certify two (2) copies of the ordinance accepting the annexation to the county clerk.
 - c. The county clerk shall duly file one (1) copy of the plat or the annexed territory and one (1) copy of the order of the court and the resolution or ordinance of the council. The clerk shall forward a copy of each document to the Secretary of State.
 - d. The clerk shall forward one (1) copy of the plat of the annexed territory and one (1) copy of the order of the court to the Director of the Tax Division of the Arkansas Public Safety Commission, who shall notify all utility companies.
 - e. The clerk shall forward a certified copy of the order of the court to the council.

G. Order of Annexation for 100 Percent Petitions:

1. After the petition is submitted to the county clerk and county assessor, the county clerk shall verify the petition within fifteen (15) days of receipt.
2. After verifying the petition, the county clerk shall forward the petition to the county judge for his/her review. The county judge shall provide findings of the accuracy and completeness of the petition and forward the petition to the City.
3. The city council may pass an ordinance after the third (3rd) reading accepting the annexed territory to the City and assign it to a designated ward. The ordinance shall indicate the legal description of the lands annexed, the effective date of the annexation, the zoning classification assigned to the annexed property, and shall include annexation of any dedicated street right-of-way that is adjacent or abutting the annexed lands.
4. If accepted, the city clerk shall forward the ordinance and plat to the county clerk to be provided to the county judge. The county judge shall review all documentation pertaining to the annexation and issue an order of annexation, if all requirements of state law have been met.
5. Following the issuance of the order of annexation by the County Judge, the provisions of Section 4.4.1, paragraph F, sub-paragraph 4, items b-e shall be completed.

4.4.2 Election Method

- A. Annexations pursued through the election method shall follow the provisions of Arkansas Code Annotated § 14-40-301 through 14-40-304.
- B. The annexation ordinance passed by City Council shall provide a Zoning Plan indicating the proposed zoning for the lands to be annexed. The Zoning Plan shall be consistent with the adopted Comprehensive Plan.

4.4.3 Island Method

- A. Islands annexed by ordinance shall be assigned a zoning classification at the time the city council annexes the territory by ordinance. The property shall be placed in a zoning district in accordance with the adopted Comprehensive Plan. This shall occur concurrently with an annexation hearing before the City Council.
- B. The City Council may request, at that time, that the Planning Commission hold a public hearing and recommend a permanent zoning classification to the City Council. Notice of the public hearing shall be advertised in a newspaper of general circulation no less than 15 days prior to the hearing. If the city council does not request that the Planning Commission prepare a recommendation when the annexation ordinance is passed, the territory annexed by ordinance shall be placed in a zoning district in accordance with the adopted Comprehensive Plan.

Section 4.5: Construction in Flood Hazard Areas

Construction in flood hazard areas shall conform to the City's Flood Damage Prevention Code.

SECTION 5 - RESIDENTIAL DISTRICTS

Amended: Ordinance 2017-25

Section 5.1: District Descriptions

5.1.1: Duplex Residential District R-1

The R-1 District is intended to provide for quiet, medium density residential areas characterized by single-family homes/two-family homes and the supporting religious, recreational, educational, and institutional uses for an attractive, functional neighborhood.

5.1.2: Medium Density Single-Family Residential District R-1.S

The R-1.S District is intended to provide for quiet, medium density residential areas characterized by single-family homes and the supporting religious, recreational, educational, and institutional uses for an attractive, functional neighborhood.

5.1.3: Low Density Single-Family Residential District R-2

The R-2 District is intended to provide for quiet, low density residential areas characterized by single-family homes and the supporting religious, recreational, educational, and institutional uses for an attractive, functional neighborhood.

5.1.4: Rural Residential District R-E

The R-E District is intended to provide for rural and estate residential areas that are very low density. The primary reason for the establishment of this zone is to permit development in areas not served by a public sewer sanitary sewerage system. The minimum lot sizes are necessarily large to ensure adequate space for septic tanks and tile fields needed for private disposal of sewage.

5.1.5: Manufactured Home Residential District R-M

The R-M district is intended to provide housing that is affordable for a wide range of residents. This is considered a transitional district in which alternate varieties of housing is allowed in addition to traditional single-family residences. Properties in this district shall be developed in such a manner as to create harmony of size, shape and bulk within individual neighborhoods. This district is a combination of the previous R-M, MHP, and R-X Districts.

Section 5.2: Table of Uses

Amended: Ordinance 2018-03

The permitted uses in each of the residential districts are set forth in the following table. The following symbols, placed opposite a permitted use and underneath a residential zoning district, shall have these meanings:

- "P" means that the listed use is permitted by right in that district.
- "CU" means that the listed use is permitted subject to approval as a conditional use.
- "X" means that the use is expressly prohibited.

| <i>Permitted Uses</i> | <i>R-1</i> | <i>R-1.S</i> | <i>R-2</i> | <i>R-E</i> | <i>R-M</i> | <i>Special Provisions</i> |
|--|------------|--------------|------------|------------|------------|---------------------------|
| A. Residential | | | | | | |
| Accessory Dwelling Units | CU | CU | CU | CU | CU | |
| Accessory Structures and Uses | P | P | P | P | P | |
| Single-Family Dwelling | P | P | P | P | P | |
| Two-Family Dwelling | P | X | X | X | CU | |
| Multi-Family Dwelling | X | X | X | X | X | |
| Mobile Home | X | X | X | X | X | |
| Manufactured Home | X | X | X | X | P | |
| Manufactured Home Park | X | X | X | X | CU | |
| Townhouse | X | X | X | X | X | |
| Model Home – Temporary (18 month limit) | P | P | P | P | X | |
| B. Commercial | | | | | | |
| Bed & Breakfast | X | X | X | CU | X | |
| Child Care Center | CU | CU | CU | CU | CU | |
| Elder/Adult Care Center | CU | CU | CU | CU | CU | |
| Home Occupation | P | P | P | P | P | |
| Short Term Rental | CU | CU | CU | CU | CU | |
| C. Community Facilities and Public Utilities | | | | | | |
| Cemetery | CU | CU | CU | P | CU | |
| Church or other place of worship | P | P | P | CU | P | |
| Community building, public | CU | CU | CU | CU | CU | |
| Public Utility Buildings/Facilities | CU | CU | CU | CU | CU | |
| Residential establishment for care of alcoholic, drug, or psychiatric patients | X | X | X | X | X | |
| Half-way House | X | X | X | X | X | |
| Hospital, health center, institution for aged or children, and extensions or additions to existing | CU | CU | CU | CU | CU | |
| Library | CU | CU | CU | CU | CU | |
| Nursing or rest home and extensions or additions to existing ones | CU | CU | CU | CU | CU | |
| Park or playground | CU | CU | CU | CU | CU | |
| School, public, parochial, or private non-profit | CU | CU | CU | CU | CU | |
| D. Agricultural | | | | | | |
| Animal husbandry, dairying, and pasturage | X | X | X | CU | X | |
| Field crops, horticulture, or nursery truck gardening, but not including retail sales on the premises – Gardens under 2 acres are permitted in all districts | X | X | X | P | X | |
| E. Other | | | | | | |
| Other similar uses, not specifically listed above | CU | CU | CU | CU | CU | |

Section 5.3: Area Requirements

Every building and use built or located in a residential district shall have the lot area and widths identified below. No buildings shall be built or enlarged unless the following yard setbacks are provided and maintained in connection with such building, structure, or enlargement.

Yard (front, rear, interior, exterior) are identified in the definition section of this Code. Front, rear, interior, and exterior yard setbacks shall be measured from the property line or, when greater, the projected edge of the proposed street right-of-way shown on the Master Street Plan. The projection of open balconies, bay windows, and uncovered porches (patios) into yard space is permissible.

Chimneys, cooling or water towers, elevators, bulkheads, fire towers, monuments, stacks, storage towers, tanks, spires, church steeples, radio towers, or necessary mechanical apparatus shall not be subject to the height requirements.

RESIDENTIAL LOT, YARD & HEIGHT REQUIREMENTS

| Zoning District | Min. Lot Area | Max. Lot Coverage | Min. Lot Width | Setback Requirements | | | | Max. Height Feet |
|-----------------|---|-------------------|----------------|----------------------|----------|----------|--------|------------------|
| | | | | Front | Interior | Exterior | Rear | |
| R-1 | 6,000 sq. ft. | 40% | 60 ft. | 20 ft.* | 8 ft. | 15 ft.* | 20 ft. | 48 ft. |
| R-1.S | 6,000 sq. ft. | 40% | 60 ft. | 20 ft.* | 8 ft. | 15 ft.* | 20 ft. | 48 ft. |
| R-2 | 9,000 sq. ft. | 25% | 75 ft. | 25 ft.* | 8 ft. | 15 ft.* | 25 ft. | 48 ft. |
| R-E | 43,560 sq. ft. | 25% | 125 ft. | 25 ft.* | 15 ft. | 25 ft.* | 25 ft. | 48 ft. |
| R-M | 6,000 sq. ft. MHP: 20 acres | 40% | 60 ft. | 20 ft.* | 8 ft. | 15 ft.* | 20 ft. | 48 ft. |
| All R Districts | Community Building, Assembly, Church, School or similar: 1 acre | 40% | 100 ft. | 20 ft. | 25 ft. | 20 ft. | 25 ft. | 48 ft. |

Notes: Existing platted lots of records that do not meet the above requirements may be used subject to Section 4, paragraph f.

*When a majority of the lots on one side or street face of a block have existing principal structures on them and those structures do not meet the minimum required front setback or exterior setback, the required setback may be reduced. In such cases, the setback of all the structures on the street face of the block (no more than 6 lots) may be measured to determine the average setback. This calculated front setback may be used as the front or exterior setback line for any new construction or expansion of existing structures.

Section 5.4: Parking

Parking requirements shall be determined through the site plan review process. Each dwelling unit shall require a minimum of two (2) off-street parking spaces.

SECTION 6 - COMMERCIAL DISTRICTS

Section 6.1: District Descriptions

6.1.1: Neighborhood Commercial District C-1

To provide sufficient Neighborhood Commercial District (NCD) space, at appropriate locations and in proximity to established residential areas, for local retail and service commercial catering specifically to the recurring shopping needs of the occupants of nearby residences.

6.1.2: Highway Commercial District C-2

To provide sufficient Highway Commercial District (HCD) space at appropriate locations for varying types of wholesale and retail commercial, miscellaneous service activities and light industrial uses that are consistent in their marketing functions. These areas can accommodate those commercial and service uses which either generate heavy traffic or depend upon heavy traffic for their marketing function, and which often require open storage of products for sale, which serve not only the local residents but also the traveling public.

6.1.3: General Zoning District Restrictions

Unless otherwise specifically exempted in the appropriate district, the following restrictions shall apply to the two types of commercial districts:

- A. Any lighting shall be so placed so as to reflect away from adjacent residential districts. No excessive or unusual noise, odor, or vibration shall be emitted so that it constitutes a nuisance, which substantially exceeds the general level of noise, odor, or vibration emitted by uses adjacent to or immediately surrounding the site. Such comparison shall be made at the boundary of the site.
- B. All signage shall be in conformance with the current Bryant sign regulations.

Section 6.2: Neighborhood Commercial District (NCD) – C-1

The NCD district is located within neighborhood centers and is designed to serve the retail needs of the surrounding residential neighborhood.

The NCD district shall generally be located at or near street intersections and within walking distance of residential areas. The design plan of uses in the NCD district should emphasize street landscape areas. The display of retail goods is permitted out of doors for special occasions or holidays.

Any use which is found by the City of Bryant to be a public nuisance by reason of the emission of dust, fumes, gas, smoke, odor, light glare, noise, vibration or other disturbance is expressly prohibited.

- A. NCD District Development Criteria
 - 1. All business establishments shall only deal directly with the customer. All goods produced on the premises shall be sold exclusively on the premises.

2. Loading or service areas shall be physically separated from all streets but shall provide motor vehicle access or egress, preferably by alleys.

B. NCD District Use Regulations

These listed uses are typical and suggest the kinds of retail sales and services intended in the District. Others of similar character will be considered by the Planning Commission when submitted for establishment. The combination of two or more of the retail products listed as permitted uses may be sold from one establishment as is commonly done in "convenience" stores.

C. Permitted Uses

Antique Shops

Automobile service station

(all repair work shall be performed within a building. Tools parts, and dismantled vehicles shall be stored within a building or screened from view from public streets).

Bakery or confectioner

(provided that goods are baked on the premises shall be offered for sale only on the premises and at retail)

Bank or trust company, savings and loan (drive-in only facility not permitted)

Barbershop

Beauty Shop

Book, newspaper, and magazine store

Business office

Dairy products store

Daycare

Delicatessen

Electronics, computers, video tape shops

Florists

Fruit store

Gift shop

Grocery store

Hardware store

Horticultural nursery products store

Household appliance, retail and repair

Jewelry store

Laundromat

Laundry and cleaning pick-up station

Live/Work Units

Market, produce

Medical and dental clinics

Offices for professional services

Photographic supply store

Residential uses permitted in the R-2 district

Restaurant, café, or tea room (no drive through service)

Shoe repair shop

Tailor, pressing, laundry and cleaning shop

(including valet services with not more than three pressing machines, and one

dry cleaning unit
Taxicab stand
Telegraph or messenger service
Theater, cinema, non-pornographic
Upholstery shop
Variety and dry goods store
Veterinarians, office and kennel, all facilities enclosed, no outside animal runs or pens.
Wearing apparel store, new, used

D. Conditional Uses

Funeral homes, Veterinarians
Industrial manufacturing, yard areas, and material stockpiles
Pet shops, retail sale of domestic pets.
Public utility buildings and structures
Mixed Use, (retail and office) (retail and residential) (office and residential).
Pharmacy or Medical Marijuana Dispensary

E. Bulk and Area Regulations for Commercial Uses and Mixed-Use Buildings

1. Lot area: minimum of 2,500 square feet; maximum 16,000 square feet.
2. Lot width: at front building line, minimum 25 feet; maximum 80 feet.
3. Lot depth: generally lots should be longer than wide. Maximum lot width (80') @ front building line then depth = 200 feet.
4. Yard dimensions:
 - A. Front — commercial retail/service or mixed use, none required
 - B. Side (each side) — a minimum of five (5) feet if not attached to an adjacent building, maximum of twenty (20) feet
 - C. Rear — a minimum of fifty-five (55) feet.
 - D. The front and side yard dimensions set forth in this subsection may be increased up to an additional fifteen (15) feet by the Planning Commission if deemed in the interest of public safety.
5. Height: Three stories, finished first floor must be level with the sidewalk, maximum height of forty-five (45) feet.
6. Building coverage of lot: maximum of seventy (70) percent.
7. Absorption (non-impervious) areas; minimum ten (10) percent of lot.
8. Parking: all parking must be off street. One (1) space per each 200 square foot of commercial use is required.
9. Screening Requirement
When a NCD abuts a residential district, a minimum 6' high wood, rock or masonry fence is required with a landscape screen to buffer any NCD structure or activity from the residential district. Street frontage is exempt from the fencing requirement. See the Bryant Landscape Regulation for specific landscape treatment.

HIGHWAY COMMERCIAL DISTRICT HCD C-2

Highway Commercial Districts are the intended locations for retail sales, wholesale sales, service, storage establishments and light industry serving the Bryant population, the regional market and the traveling public. These essential activities, which may involve some disturbance to adjacent residential areas, are to be located in the corridor of I-30 and Arkansas State Highway 5. Residential uses are not intended for location in the HCD except only as living quarters for caretakers, and/or watchmen and their families.

A. HCD Development Criteria

1. The open storage of retail and wholesale goods in conjunction with business establishments is permitted.
2. Parking, loading, or service areas shall be physically separated from all streets. The minimum suitable separation shall be a curbed earth strip of at least ten (10) feet in width running the front width of the lot. Suitable driveways, which channel motor vehicles to access or egress, shall be provided and may cross the curbed separation area. See the Bryant Landscape regulation for treatment of the separation area.

B. HCD Use Regulations

1. Permitted Uses
All retail sales and service uses permitted in the NMU Neighborhood Mixed Use district but without square footage restrictions on gross leaseable floor area.

Animal boarding place or veterinarian's clinic, enclosed kennel

Antique sales

Auction house

Automotive uses:

Auto, truck and trailer rental lot

Service stations

Car wash

Parking and storage garages and lots

Parts and supply stores

Repair garages and body shops

New and used sales and service

Retail establishments selling goods, as:

Hardware, feed, poultry supplies, home building supply, lumber, farm equipment, mobile homes, marine equipment (boats, trailers, etc.), etc.

Eating establishments (cafes, restaurants). Drive-in service permitted

Offices for professional and service people, including:

Doctors, dentists, lawyers, Realtors, radio, and television broadcast studios, general offices, medical clinics, and nursing homes

Daycare Facilities

Drive-in banks and Savings and Loan Associations, etc.

Dry cleaning and laundry establishments.

Warehousing — commercial, warehouse, mini storage and open storage

Wholesale, sales and storage

Commercial recreation, as:

Bowling alleys, golf driving ranges, drive-in theaters, and skating rinks, etc.

Automatic laundries (unattended), laundry and dry cleaning plant

Funeral homes
Live/Work Units
Motels, motor hotels, and retirement centers
Recreation vehicle sales and repair
Places of public assembly
Printing and publishing
Mobile and manufactured home sales
Marine equipment sales, storage, repair

C. Conditional Uses

Uses proposed for development in this district which are not specifically listed as permitted may be considered for development if found to be “in character” with the district by the Planning Commission. The procedure for Conditional Use Review, Section 18, shall be utilized for uses not listed.

Pharmacy or Medical Marijuana Dispensary

D. Bulk and Area Regulations

1. Height Regulation

No building which is not an office building hereinafter erected or structurally altered shall exceed a height of forty-five (45) feet or be more than three (3) stories. Office buildings shall not exceed a height of four (4) stories.

2. Area Regulations

A. Lots fronting along roadways designated as Class I through Class IV (Interstate 30 and frontage roads, State Highway #5, and other roads designated as such) shall adhere to the following area requirements:

1. *Front Yard* – There shall be a front yard having a set-back of not less than 50 feet from the front property line to the front line of the building.
2. *Side Yard* – Side yard set-back shall not be required, except where side yards abut a street or a residential lot line, thence, the side yard set-back shall be no less than twenty five (25) feet.
3. *Rear Yard* – There shall be a rear yard having a depth of not less than 15 feet except when abutting residential area, hence the rear yard shall not be less than 55 feet. In the case of a corner lot (abutting a street), and when providing a 25 foot exterior side yard, the rear yard may be reduced to be not less than 25 feet.
4. *Lot Coverage* – Maximum lot coverage for all principal and accessory buildings shall be 35 percent of the total area of the site.

B. Lots fronting along roadways designated as Class V or Class VI, interior local commercial streets developed in conjunction with an approved commercial subdivision may adhere to the following area requirements:

1. *Front Yard* - None Required.
2. *Side Yard* - Side yard setback shall not be required, except where side yards abut a street or a residential lot line, thence, the side yard setback shall be no less than twenty-five (25) percent of the lot dimension.
3. *Rear Yard* - There shall be a rear yard having a depth of not less than fifteen (15) feet except when abutting residential area hence the rear yard shall not be less than fifty-five (55) feet. In the case of a corner lot (abutting a street), and when providing a twenty-five (25) foot exterior side yard, the rear yard may be reduced to not less than twenty-five (25) feet.
4. *Lot Coverage* - Maximum lot coverage for all principal, accessory buildings and off-street parking shall be eighty-five (85) percent of the total area of the site.

- C. The front, side and rear yard dimensions set forth in subsection D-2 A & B may be increased to accommodate anticipated future highway improvements or to provide safer sight distance for motoring public by the Planning Commission. The maximum allowable increase is twenty (20) feet.

- 3. **Screening Requirements**
When a HCD abuts a residential district, a minimum 6' high wood, rock or masonry fence is required with a landscape screen to buffer any HCD structure or activity from the residential district. Street frontage is exempt from the fencing requirement. See the Bryant Landscape Regulation for specific landscape treatment.

- 4. **Parking Requirements**
Per City or one (1) space per each of three hundred (300) square foot of occupied space.

- 5. **Absorption (non-impervious) area; minimum ten (10) percent of lot.**
- 6. **Signs - All signage shall be in conformance with current Bryant sign regulations.**

SECTION 13 - OS OPEN SPACE DISTRICT OS

A. Purpose and Intent

The “OS” District has the purpose to protect the public health, safety, and welfare by protecting set aside open space whether for institutional reasons or aesthetic reasons or for the protection of land area where natural topography creates practical difficulty for urban development. It is the intent of this district to enhance the natural conditions of open space areas and to reduce the disproportionate costs of providing public facilities.

The “OS” District is proposed for application to public and private recreational areas including playground, pedestrian walkways, buffer strips, parks, golf courses, and country clubs where these uses comprise a significant component of the City’s open space network.

B. Preservation of Open Space

Open space areas shall be maintained so that their use and enjoyment as open space are not diminished or destroyed. Open space areas may be owned, preserved, and maintained as required by this section by any of the following mechanisms or combinations thereof

1. Dedication of open space to the municipality or an appropriate public agency, if there is a public agency willing to accept the dedication.
2. Common ownership of the open space by a Residence Association which assumes full responsibility for maintenance.
3. Deed-restricted private ownership which shall prevent development and/or subsequent subdivision of the open space land and provide for maintenance.

C. Development Criteria

Unless otherwise specifically provided in this ordinance, the following development criteria shall apply to the “OS” District.

1. Dumping of trash, waste or offensive materials or the creation of a junkyard of any kind shall be expressly prohibited.
2. The location of off premises outdoor advertising shall be prohibited.
3. Where the “OS” District is established, all such areas shall remain in their natural state unless otherwise authorized by the City of Bryant.
4. A buffer of “OS” zoning shall be no less than twenty (20) feet wide.
5. Enhancement, such as additional screening or planting, of the open space area, when proposed for use as a required buffer zone, may be required.

D. Conditional Uses

All uses of land and structures and the building or alteration of proposed structures in the “OS” District whether by private or public means, shall be construed to be conditional uses and shall follow the procedures for conditional uses found in Section 18 of this ordinance. Some uses which are characteristic of an open space district and which may be considered for conditional use as listed

1. Municipal, governmental, private or philanthropic, recreational use, including parks, playgrounds, tennis courts, golf courses, open skating rinks, hiking or bridle paths, and bicycle paths.
2. Country club, golf course, swimming pool, tennis courts or other private recreational uses usually associated with or incidental to a social country club operated for mutual recreation for the members and not as a business for profit.

3. Wildlife refuge or bird sanctuary.
4. Greenhouses and structures associated with a public arboretum.
5. Recreation, refreshment, and service buildings in parks, playgrounds and golf courses.
6. Park facilities.
7. Public utility buildings and facilities when necessary for serving the surrounding area.

E. Area Regulations

No yard or height dimensions are set in this section for uses and structures in the “OS” District. Determination of area regulations and flood plain ordinance compliance shall be determined and recommended by the Planning Commission in the conditional use review process on a case by case basis.

SECTION 14 - FLOODWAY DISTRICT (FW)

A. Purpose and Intent

The “FW” Floodway District designates areas where special flood hazards exist. Since the floodway is an extremely hazardous area due to the velocity of flood waters which carry debris that become potential projectiles and since erosion is prominent, it is intended to keep the area free of land uses which are endangered by floods or which increase the danger from floods to other property. The purpose of the “FW” district is to protect the lives and property of persons living in areas subject to the effects of the Floodway. The following provision shall apply

Encroachments are prohibited, including fill, new construction, alteration of stream beds to new location, substantial improvements and other development unless certification by a registered professional is provided demonstrating that encroachment will not result in any increase in flood levels during occurrence of the base flood discharge.

B. Conditional Uses

1. Landing strips for air craft
2. Marinas and boat landings
3. Public or private parks
4. Golf courses
5. Temporary mobile storage
6. Athletic fields

The conditional uses and others in character with those listed may all be considered but all are subject to the limitations cited in the preceding paragraph and approved by the Corps of Engineers.

SECTION 15 - PLANNED UNIT DEVELOPMENT (PUD)

Amended: Ordinance 2018-06

Section 15.1: General

15.1.1 Existing Developments

All properties previously developed under all previous Planned Unit Development (PUD) provisions shall be considered legal and valid, and be designated as Planned Unit Developments (PUDs) on the Official Zoning Map. Upon amendment, excluding minor modifications described in Section 15.5.1, requested by the owner/applicant, such developments shall be brought into conformance with the standards contained within this Section to the extent possible.

15.1.2 Purpose

The purposes of this zone are to promote flexibility and innovation in design and to encourage innovation in the design of large-scale developments and the use of vacant, in-fill parcels in the built up portion of the city. The zone also promotes the inclusion of open space in developments.

In concept, the Planned Unit Development (PUD) is a combination of zoning designation and development plan. The approval process is designed to encourage innovation by the developer by allowing submittal of engineered plans, known as a Final Development Plan, after approval of a Zoning Plan to rezone the property. Development must follow the approved Final Development Plan exactly. Failure in this respect can result in revocation of the PUD. Although design innovation is encouraged, and flexibility is allowed, the PUD may not be used simply as a method of avoiding zoning regulations.

Section 15.2: Minimum Size and Use Criteria

PUD applications shall meet the following criteria before they will be considered for review and approval.

- A. PUDs may be residential, commercial, industrial or mixed-use in nature.
- B. The minimum size for PUDs which incorporate residential or mixed-uses shall be three (3) acres. The minimum size for PUDs which incorporate commercial or industrial uses shall be one (1) acre.

Section 15.3: Development Standards

15.3.1 Permitted Uses

Permitted uses within a PUD shall conform to the permitted uses within the existing zoning district in which the PUD is being proposed, or/and shall be consistent with the general character of the land use classification of the subject property in the city's Comprehensive Plan, or/and be substantially similar to and compatible with adjacent property.

15.3.2 Development Density

All plans shall clearly depict the proposed density by land use category. Residential density shall be depicted in the manner described in Section 15.3.4 below. Non-residential density shall be expressed as Floor Area Ratio.

15.3.3 Setbacks

Building setbacks will be designed in such a manner that they create a harmonious grouping of buildings, allow maintenance of streets and utilities, do not violate any safety codes including the Arkansas Fire Prevention Code, and do not restrict the provision of emergency or public services.

15.3.4 Lot Size and Area Requirements

No minimum lot sizes are established. Housing and development can be clustered or otherwise concentrated or arranged in planned locations on the site to take advantage of natural features and topography.

The following restrictions apply to developments which incorporate residential uses:

Residential density for any development shall not exceed the following standards as measured by dwelling units per developable acre (dua). Calculation shall not include areas devoted to surface streets and surface drainage improvements. This shall be computed by the equation below:

$$\text{Housing Units} / (\text{Developable Land} + \text{Common Usable Open Space}) = \text{Residential Density}$$

| | |
|-----------------------------------|-------|
| Single-Family: | 7 dua |
| Single-Family Zero Lot Line: | 7 dua |
| Duplex: | 9 dua |
| Townhouses/Condominium: | * |
| Multi-Family (1-2 stories): | * |
| Multi-Family (3 stories or more): | * |

*See Section 15.6.1, paragraph C

15.3.5 Open Space Reservation

Land not used by buildings, accessory structures, yards, streets, or drainage, shall be maintained as common usable open space for the purpose of providing parks, recreational facilities, ways for pedestrian movement and circulation, and conserving visually pleasing elements of the environment.

- A. PUDs with exclusively residential land use shall designate at least fifteen (15) percent of the total development area to common usable open space. All other PUDs shall designate at least ten (10) percent of the total development area to common usable open space.
- B. No more than one-half (1/2) of the common usable open space in a development may be covered by water on a permanent basis.
- C. No more than one-half (1/2) of the common usable space may have a slope greater than fifteen (15) percent.

15.3.6 Common Usable Open Spaces – Future Phase Construction

If common usable open space and common space improvements required for a development are planned for construction in future phases, a performance bond shall be required. Prior to the sale of any lot, site, home or other structure, a bond of sufficient surety determined by the Administrative Official

shall be posted with the City for completion of said common usable open space improvements. The amount of the bond shall reflect one-hundred fifty (150) percent of the Administrative Official's estimate for completing the required improvements. The Zoning Plan shall clearly depict the amount of land to be used and maintained as permanent common usable open space.

15.3.7 Sidewalk System

The development shall be subject to the sidewalk requirements contained in this code and the Bryant Subdivision and Development Code. The Developer may optionally propose an alternative pedestrian circulation system, provided pedestrian access is given to each lot within the development.

15.3.8 Landscaping

All developments shall provide landscaping that at a minimum meets the spirit and intent of the landscaping regulations contained within this Code. Landscaping shall be designed to complement the site's topography and create a discernible amenity for the development.

15.3.9 Bills of Assurance, Covenants, Home Owners Associations, Special Improvement Districts

The developer shall create such legal entities as appropriate to undertake and be responsible for the ownership, operation, construction, and maintenance of private roads, parking areas, common usable open space, community facilities, recreation areas, buildings, lighting, security measures, and similar common elements. All legal instruments setting forth a plan or manner of permanent care and maintenance of such open space, recreational areas, and common owned facilities shall be reviewed by the City Attorney as to legal form and effect, and by the Planning Commission as to the suitability for the proposed use of the common owned facilities.

If the common owned facilities are deeded to a homeowner association or improvement district, a permanent sign(s) shall be placed in a readily visible location within the development indicating the facilities/improvements maintained by the association or district. The developer shall file with the approved Final Plat/Final Development Plan a declaration of covenants and restrictions in the bill of assurance. The following is required:

- A. The entity must be legally established before the plat is filed and/or building permits are granted.
- B. Membership and fees must be mandatory for each property buyer and successive buyer in perpetuity unless allowed to be discharged by the City of Bryant.
- C. The open space restrictions must be permanent.
- D. The entity must be responsible for the maintenance of all common owned facilities covered by the agreement and for all liability, taxes, and other assessments.
- E. Homeowners must pay their pro-rata share of the initial cost and on-going maintenance, the maintenance assessment levied by the entity must be stipulated as a potential lien on the property.
- F. The entity must be able to adjust the assessment to meet changed needs.

15.3.10 Responsibility for Open Space

Nothing in this Code shall be construed as assigning or assuming any responsibility or liability on the part of the City of Bryant, for maintenance of any private open areas, parks, or recreational facilities. A hold harmless clause shall be incorporated in the covenants conveying with the land to this effect. It shall be provided further, however, that when an owner of a Planned Unit Development desires to dedicate certain land areas to the City for public parks and recreational facilities, and the City approves the nature and location of such lands, and accepts the dedicated areas, the City shall be responsible for the operation and maintenance of these lands and properties.

15.3.11 Private Street Conversion

Private streets that are requested to be converted to public ownership shall be required to be improved to city standards prior to dedication to the City. The owners will bear full expense of reconstruction or any other action necessary to make the streets fully conform to the requirements applicable to public streets, prior to dedication and acceptance. The owner shall not be compensated for any street dedicated to public use. Any private street conversion shall be subject to the maintenance bond requirements found in Bryant Subdivision and Development Code.

15.3.12 Land Subdivision

In the construction and installation of all subdivision improvements in the PUD, said improvements shall conform to all requirements and standards as set forth in the Bryant Subdivision and Development Code. The provisions of this section are not intended to relieve the Developer from meeting any requirements or provisions of the Bryant Subdivision and Development Code.

Section 15.4: Review and Approval

The PUD approval process shall consist of two (2) forms of review procedure:

- A. Zoning Plan Review and Approval
- B. Final Development Plan and Approval
 - 1. Short Form: Developments contained on one-lot that are not intended for re-subdivision into additional lots.
 - 2. Long Form: Developments intended to plat property into two or more lots.

15.4.1 Zoning Plan Review and Approval

- A. *Pre-application Conference:* Before submitting an application for PUD approval, the owner, authorized agent, or developer shall confer with the Development Review Committee. The intent of this conference is to provide guidance to the applicant prior to incurring substantial legal and engineering expense in the preparation of plans. An additional purpose is to ensure proper information is provided with a formal PUD application. The Development Review Committee will discuss the applicant's potential application and inform the applicant of any perceived potential problems that might arise in the development process.

- B. The Zoning Plan shall consist of a Zoning Plan for the development without the submittal of an engineered site plan and construction plans. Approval of the Zoning Plan shall have the effect of rezoning the property.
1. Before an application can be considered, a complete application with the PUD application fee must be filed and paid with the Administrative Official.
 2. The Development Review Committee shall review the application and provide comments to the applicant for revision of the plans. A public hearing for the Zoning Plan shall be set no later than sixty (60) days after filing the application. The procedures for rezonings or zoning amendments shall govern the process for arranging the public hearing.
 3. WA public hearing shall be conducted. If the applicant requests deferral of a decision on the application to allow modification, the application which is deferred shall be subject to an additional public hearing to allow public comment. If the request for deferral is made at the same meeting at which the public hearing was conducted, the Planning Commission shall allow the public hearing to be continued at the following regular meeting of the Planning Commission without being re-advertised.
 4. Unless a deferral is requested by the applicant, the Planning Commission shall render a decision to approve, conditionally approve, or deny the application within sixty (60) days of the public hearing.
 5. To approve a PUD Zoning Plan, the Planning Commission shall find the following:
 - a. The PUD provides public benefits that would not be achievable through the normal zoning regulations.
 - b. Adequate public utilities are already in place to service the property, or the developer has sufficient plans and private financial commitment in place to ensure adequate public utilities will be available to service the property.
 - c. The development has land use compatibility with surrounding developments.
 - d. The development is compatible with the City's Comprehensive Plan.
 - e. The development does not endanger the public health, welfare or safety.
 6. For any application that is conditionally approved by the Planning Commission, the applicant shall have ninety (90) days to submit modified plans. These plans shall be reviewed by the Development Review Committee to determine if the modified plans comply with the Planning Commission's conditional approval. The Administrative Official shall provide a written report of his/her findings to the planning commission and city council. The city council will not consider any modified plans that are not reviewed by the Development Review Committee.
 7. An application which is approved or conditionally approved shall be forwarded to the City Council for approval. The City Council shall render a decision to approve or deny the

application by an ordinance to rezone the property. The city council may also refer the application back to the Planning Commission for reconsideration and modification without an additional public hearing. Such decision shall occur within thirty (30) days of a decision of the Planning Commission or submission of modified plans, whichever is later.

15.4.2 Final Development Plan Review and Approval Procedure

- A. The Final Development Plan shall be either a Short Form or Long Form.
 - 1. Short Form PUD: Developments contained on one lot that are not intended for re-subdivision into additional lots. The Final Development Plan shall consist of the Zoning Plan and submittal of engineered site plan and construction plans and meeting the submission requirements of Section 15.4.3.
 - 2. Long Form PUD: Developments intended to plat property into two or more lots. The first step in the process of preparing the Long Form Final Development Plan is preparation and submission of a Preliminary Plat, which conforms to the procedures and requirements of the Bryant Land Subdivision and Development Code. An application for a Final Development Plan shall not be accepted by the Administrative Official until and unless a Preliminary Plat for the property has been approved by the Planning Commission. The submission shall meet the requirements of Section 15.4.3.

The Final Development Plan shall consist of the approved Zoning Plan and submittal of a Final Plat application. The Final Plat application shall be subject to the regulations and requirements of the Bryant Subdivision and Development Code; however, approval shall be subject to acceptance of the public dedication of streets, utilities, and other public facilities.

Approval of the Long Form Final Development Plan shall have the effect of permitting the applicant to sell lots in the development, obtain building permits, or file an application for site plan or large scale development review.

- B. The Development Review Committee shall review the application and provide comments to the applicant for revision of the drawings and/or plat requirements.
- C. The Development Review Committee shall approve or deny the Final Development Plan and provide report of approval to the Planning Commission within twenty (20) business days following approval. The Development Review Committee shall not approve a Final Development Plan that contains a Zoning Plan that does not match the Zoning Plan previously approved by the City Council, excluding minor modifications, or that contains construction plans that do not address comments for revision made by the Development Review Committee.
The applicant shall provide a written explanation for any modifications to the Zoning Plan.
- D. The Development Review Committee shall have the authority to defer approval of a Final Development Plan to the Planning Commission. The Planning Commission shall have the authority to require any Final Development Plan be reviewed for approval by the Planning Commission instead of the Development Review Committee.

- E. The applicant, any Planning Commissioner, any City Council member, or any aggrieved party may appeal the decision of the Development Review Committee rendered on a Final Development Plan by written request made to the Administrative Official within thirty (30) days of the Development Review Committee's decision. The appeal shall be heard by the Planning Commission.

15.4.3 Application Requirements

Applications shall include a digital AutoCAD/PDF submittal and scaled printed plans in a number required by the Administrative Official containing the following:

| PUD Application Requirements | | | | |
|--|-------------|------------------------|-------------|------------------------|
| Type of submission | Short Form | | Long Form | |
| | Zoning Plan | Final Development Plan | Zoning Plan | Final Development Plan |
| REQUIREMENTS | | | | |
| Letter of Transmittal: Name of Development; Names, addresses, and contact information of the owner, authorized agent, and developer; Written description of the character and intent of the development. | ✓ | ✓ | ✓ | ✓ |
| Legend/Key for the plans | ✓ | ✓ | ✓ | ✓ |
| Proposed/Final Bill of Assurance, Restrictive Covenants, or other legal instruments | ✓ | ✓ | ✓ | ✓ |
| Vicinity Map | ✓ | ✓ | ✓ | ✓ |
| Names, addresses, zoning, and property lines of all property owners adjacent to the exterior boundaries of the project (including individual lot across streets and right-of-ways). | ✓ | ✓ | ✓ | ✓ |
| North arrow, scale, date of preparation, and existing zoning classification. | ✓ | ✓ | ✓ | ✓ |
| Boundary Survey of the property and written legal description of the property. | ✓ | ✓ | ✓ | ✓ |
| Source of title to property giving deed record book page number or instrument number | ✓ | ✓ | ✓ | ✓ |
| Location of all existing and proposed easements. | | ✓ | | ✓ |
| Area and dimensioned length and width for each lot in the proposed development. | ✓ | ✓ | ✓ | ✓ |
| Proposed building footprint(s) with all proposed setbacks dimensioned. | ✓ | ✓ | ✓ | ✓ |

| PUD Application Requirements | | | | |
|--|-------------|------------------------|-------------|------------------------|
| Type of submission | Short Form | | Long Form | |
| | Zoning Plan | Final Development Plan | Zoning Plan | Final Development Plan |
| REQUIREMENTS | | | | |
| Architectural elevation renderings for the front, side, and rear facades for all structures, excluding single-family residential. List of allowable façade materials for single-family residential. | ✓ | ✓ | ✓ | ✓ |
| Lighting plan showing street lighting and exterior lighting quantity, direction, and pattern. | | ✓ | | ✓ |
| Proposed permitted uses and location of permitted uses. | ✓ | ✓ | ✓ | ✓ |
| Proposed Density | ✓ | ✓ | ✓ | ✓ |
| Proposed setbacks and buffer areas shown with dimensions. | ✓ | ✓ | ✓ | ✓ |
| Existing structure(s) and general indication of any significant vegetation. | ✓ | ✓ | ✓ | ✓ |
| Existing and proposed topographic information including two-foot contour interval for areas with a slope of less than 10%, five-foot contour interval for areas with a slope of more than 10%. | | ✓ | | ✓ |
| Existing significant drainage features on the site. | ✓ | ✓ | ✓ | ✓ |
| Location of all flood hazard areas within a 100-year floodplain and/or floodway. Reference the FIRM panel number and effective date. Note regarding wetland, if applicable. Note if Corps of Engineers determination is in progress. | | ✓ | | ✓ |
| Drainage improvements and drainage runoff quantities (cubic feet per second), prepared by a Professional Engineer, with points of entry and exit for the development, show flood hazard area. | | ✓ | | ✓ |
| Soil tests, as may be required or requested. | | ✓ | | ✓ |
| Location, size, and materials of all proposed utilities. | | ✓ | | ✓ |
| Location of all existing fire hydrants within 500 ft. of the property. | | ✓ | | ✓ |
| Location of parking areas, vehicle maneuvering areas, and any proposed access drives. | ✓ | ✓ | ✓ | ✓ |
| Location of access drives for adjacent properties, including those across the street, street intersections. Items dimensioned relative to each other. | ✓ | ✓ | ✓ | ✓ |

| PUD Application Requirements | | | | |
|---|-------------|------------------------|-------------|------------------------|
| Type of submission | Short Form | | Long Form | |
| | Zoning Plan | Final Development Plan | Zoning Plan | Final Development Plan |
| REQUIREMENTS | | | | |
| Proposed sidewalks and streets. | ✓ | ✓ | ✓ | ✓ |
| Street names, class per Master Street Plan, rights-of-way (existing and proposed), centerlines, and easements bordering or traversing the property. | ✓ | ✓ | ✓ | ✓ |
| Open Space Plan indicating the size and proposed use for common useable open space areas. | ✓ | ✓ | ✓ | ✓ |
| Landscaping Plan indicating the size, location, and proposed types of plantings on the site. | ✓ | ✓ | ✓ | ✓ |
| Certificate of Owner | ✓ | ✓ | ✓ | ✓ |
| Certificate of Surveying Accuracy | ✓ | ✓ | ✓ | ✓ |
| Certificate of Engineering Accuracy | | ✓ | | ✓ |
| Static pressure and flow of the nearest hydrant | | ✓ | | ✓ |
| As-built drawings | | ✓ | | ✓ |

Section 15.5: Modifications and Revocation

15.5.1 Modifications

Following adoption of a Zoning Plan certain minor modifications to the Zoning Plan may be permitted upon approval of the Development Review Committee. Such change shall not:

- A. Change access or egress to the site.
- B. Change traffic patterns, relocate streets, or create new public/private streets or drives.
- C. Increase development density by more than five (5) percent.
- D. Dedicate improvements for public maintenance.
- E. Substantially alter drainage patterns.
- F. Decrease the amount of proposed landscaping.

- G. Expand the types of allowable uses.
- H. Reduce the amount of common usable open space by more than five (5) percent.
- I. Substantially alter the nature or character of the development.

15.5.2 Validity and Revocation

Revocation of the approval of a PUD shall occur if, by vote of the city council, it is found by the Administrative Official that the owner, owner's agent, or developer are not developing the property in compliance with the provisions of this Code and other applicable laws, are not complying with the terms of PUD's approval, have not commenced construction within six (6) months of approval, have not completed construction within two (2) years of approval, are not developing the PUD according to the approved Final Development Plan, or have not received approval for a Final Development Plan within two (2) years of approval of a Zoning Plan.

In the event of revocation, any completed portion of the development or those portions for which building permits have been issued shall be treated as a whole and effective development. In such cases, the property within the PUD shall retain the PUD zoning district designation. If no development has occurred, the zoning shall revert back to the zoning district designation(s) which existed for the property prior to the PUD's approval.

Section 15.6: Multi-Family Dwellings and Multi-Family Complex Standards

15.6.1 General Requirements

- A. Platting required. All multi-family developments shall be platted according to the current subdivision ordinance requirements of the city.
- B. Ratio of multi-family units to single family units. The percentage of apartment units to single family units shall not exceed twenty (20) percent of the total residential housing stock of the city. The percentage shall be updated on a yearly basis utilizing current building permit records. The ratio will reflect any additions or subtractions of housing units due to annexation or dis-annexation procedures.
- C. Location and maximum density of development. All multi-family developments are restricted to those areas and densities as outlined in the most current city comprehensive growth plan.
- D. Maximum size of development and distance from other developments. No development shall be more than five acres (gross) in size and not be located closer than one-quarter-mile from another development as measured in a straight line from closest property line to closest property line.
- E. Additional development location policies. Multi-family developments shall locate near areas with the following characteristics:
 - 1. At or near the intersection of collector or arterial streets as identified on the city master street plan;

2. As transitional or infill land uses between lower density residential and commercial/retail uses/zoning;
 3. Along the periphery of the neighborhood residential core;
 4. Within walking distance of public transportation, employment centers and/or retail areas;
 5. Not in areas designed or intended for commercial/retail use as identified by the city comprehensive growth plan;
 6. Where adequate utility infrastructure, fire and police services are available to safely serve the development.
- F. Building scale and architecture. Multi-family developments located in or adjacent to lower density residential neighborhoods shall resemble the lower density character of the neighborhood with similar building styles and materials to fit within the neighborhood fabric. Buildings containing three or more attached units shall provide a variety of building types, densities and architectural elements. Architectural elements shall include but are not limited to: bay windows, balconies, porches, varied building materials, two-foot minimum offsets in each elevation. A range of building heights shall be provided to scale down the bulkiness of large buildings. Patios and balconies shall be a minimum of fifty (50) square feet with a minimum narrow width of five feet and are to remain open and unenclosed.
- G. Building orientation and clustering. Buildings shall be oriented to minimize views overlooking low density neighborhoods. Clustering of buildings shall be incorporated into the design to reduce impact on adjacent properties and to allow better utilization of open space. Taller buildings shall be located near activity centers away from the site periphery. Development design shall take advantage of topography and natural features. Individual buildings shall be situated to create courtyards so as to maximize surveillance and create views of natural areas.
- H. Landscape and screening. The extensive use of plant materials throughout the development is considered a high priority in establishing a sense of desirable aesthetics. A landscape plan, prepared by a landscape architect or certified landscape arborist, shall be included as part of the review process for all multi-family developments. The plan shall emphasize the use of any existing natural features including vegetation, topography and natural water features. Landscape plans shall utilize both evergreen/deciduous plants in addition to annual/perennial plants to enhance the sense of seasonal variations. Emphasis shall be placed on landscaping areas around entryways, walkways, and buildings. The use of larger scale vegetation shall be utilized along the boundaries of the development to mitigate the impact of the development on any adjacent lower density residential neighborhoods. All tree plantings shall be located at minimum of seven and one-half feet from any utility line.

Proposed plant species shall follow the recommendations as outlined in the city landscape ordinance then in effect. Other native species (as recommended by the state forestry commission) may be utilized as well. All landscaping shall utilize an automatic underground

irrigation system. Minimum tree and shrub sizes as well as landscape maintenance shall follow the requirements set forth in the city landscape ordinance.

- I. Specific design requirements for multi-family development.
 1. Minimum unit living area. Individual living units shall meet the following minimum size requirements:
 - a. One bedroom, one thousand (1,000) square feet;
 - b. Two bedroom, one thousand (1,000) square feet;
 - c. An additional two hundred fifty (250) square feet for each individual bedroom;
 - d. Average unit size shall be one thousand (1,000) square feet for any multi-family dwelling or multi-family dwelling complex.
 2. Exterior building materials. All developments shall be one hundred (100) percent constructed from any combination of the following exterior materials:
 - a. Brick,
 - b. Pre-cast textured concrete,
 - c. Natural or cultured stone,
 - d. Mortar,
 - e. Glass,
 - f. Tile,
 - g. Stucco,
 - h. HardiPlank.

Masonry coverage calculation shall not include doors, windows, trim, chimneys, dormers, window box-outs, eaves or bay windows that do not extend to the foundation. Balconies, stairways, landings and primary walkways shall be covered. All windows that can be opened shall have screens installed and maintained. A building elevations plan shall be submitted as part of the review process.

3. Exterior building setbacks. All proposed buildings over one-story in height shall maintain a three to one ratio of setback to height from adjacent low density residential zoning. In all other areas a minimum of twenty-five (25) feet is required as a setback from exterior boundaries of the site.

4. Signs. All signage shall meet the requirements of the city sign ordinance. All developments shall provide a directory sign and emergency contact number at or near the main entrance identifying buildings and access throughout the development. Lettering must be of contrasting color from background and at least sixteen (16) inches tall. Signs shall either be lighted or constructed using reflective materials.
5. Parking. The minimum off-street parking requirement shall consist of:
 - a. Two spaces for each one bedroom unit;
 - b. Three spaces for each two- and three-bedroom unit;
 - c. One space visitor parking per unit. Visitor parking shall be scattered throughout the development;
 - d. Twenty (20) percent of the required parking spaces shall be covered.
 - e. Required handicapped accessibility spaces are in addition to the above requirements. Individual parking spaces shall be ten (10) feet wide by twenty (20) feet in length. Parking spaces for compact vehicles may be smaller in dimension as long as industry standards are utilized. Any proposed garages or carports shall be constructed with a roof design and building materials similar to the main building. Covered parking shall be sprinkled. Parking spaces shall not infringe on any fire lane or utility easement. No on-street parking is allowed on adjacent public streets. Parking calculations shall be included on the site plan notes.
6. Open storage. Recreational vehicle, car and boat parking/storage shall be screened from view of public streets and adjacent single family zoned areas. Screening shall consist of a combination of opaque fencing and vegetative screen.
7. Open space. A minimum of twenty (20) percent of the development shall be devoted to open space. All required landscaping and parking will count toward meeting open space requirements. Open space calculations shall be included on the site plan notes.
8. Enhanced entrances. Masonry perimeter walls or a combination of masonry and ornamental steel fencing with electronic security gates at all entrances shall be required. An acceptable means of twenty-four (24) hour access shall be provided to all emergency personnel and vehicles. A turnaround must be provided prior to the gate. Main entrance features shall include a combination of landscaping with features such as rocks, sculptures, water, landscaped medians, ground signs, markers or entryway walls, displaying the name of the complex, street pavers, or other features that create a sense of identity.
9. Fencing. All developments shall be enclosed by a fenced perimeter. A minimum seven-foot opaque screening wall shall be placed between any multi-family development and single-

family zoned property. The fence may be constructed of a variety of materials (including wood and PVC) but must utilize steel frames and posts. Ornamental steel fencing shall be used in all other areas.

10. Roof pitch. Roof articulation and/or the traditional roof forms including but not limited to: gables, hips and dormers shall be incorporated. Roofs shall have a minimum 6:12 roof pitch. Flat roofs and wood shingles are prohibited. Roof material shall be a minimum thirty (30) year warranty product.
11. Utilities. All utility transmission lines, including but not limited to electric, water/sewer, gas, phone and cable shall be placed underground and shall be built to the current standards of the city. In addition, any proposed public streets shall be built to the current standards of the city. All community use satellite dishes and roof/ground-mounted equipment shall be either screened or incorporated into the building architecture. Window-mounted air conditioning units are not permitted.
12. Drainage impact. A drainage impact analysis shall be prepared for all developments. The development may require significant revisions to the existing storm water drainage system to accommodate an increase in generated impervious surfaces. As such, the city may require an agreement with the developer to participate in or share the cost of such improvement.
13. Fire safety. All units will have fire suppression sprinklers;
14. Crime prevention. Significant attention shall be placed on crime prevention methods/programs and on-site security methods. The police department shall review all multi-family development plans as part of the development review process.
15. Lighting. Lighting shall conform to crime prevention through environmental design (CPTED) guidelines. Lighting shall be used to create safe and secure public areas while illuminating only those areas for which the lighting is designed. Lighting shall be designed to reduce glare and impact on adjacent residential uses. A lighting or illumination plan shall be submitted as part of the review process.
16. Trash facilities. All refuse facilities shall be screened on three sides by an eight-foot masonry wall. Enclosure doors or gates shall be of an opaque design.
17. Non-smoking. All public areas including but not limited to: swimming pools, laundries, mail rooms, community rooms, and recreational areas shall be posted as "non-smoking" areas.
18. Laundry facilities. Each apartment unit shall be provided with both a clothes washer and dryer connection.
19. Yearly inspections. All developments shall be inspected by the code enforcement department for compliance on a once a year basis.

20. School district impact. A report shall be prepared by the developer as to the impact of the proposed development on the local school system. The city school system shall be consulted in the development review process.
21. Traffic impact. A traffic impact analysis (TIA) shall be prepared for all developments in order to determine the short and long-range impacts of the development on the adjacent road system. The analysis shall be prepared under the direction of a licensed professional engineer in the state with sufficient transportation engineering experience to assess traffic impacts. Traffic generation estimates shall utilize the latest version of the Institute of Traffic Engineers Trip Generation Manual. The development may require significant revisions to the existing adjacent street system in order to accommodate an increase in generated traffic volumes or concentrations. As such, the city may require an agreement with the developer to participate in or share the cost of such improvements.
22. On-site management. Developments shall provide assurance for twenty-four (24) hour on-site management and the existence of a maintenance plan. In addition developments shall provide a twenty-four (24) hour on-call security;
23. Environmental performance. Developments shall be designed to meet the 2013 International Energy Conservation Code (IECC).
24. Access and internal circulation. Emphasis shall be placed on efficient internal circulation with access designed to discourage traffic into an adjacent neighborhood. Traffic calming methods shall be employed where necessary. Internal driveways should be offset thirty (30) feet for each five hundred (500) feet of in a straight line.
25. Internal pathways. Developments shall be designed for internal pedestrian activity. Sidewalks, crosswalks, trails and bridges should be provided to separate pedestrian and vehicular traffic. Trails and walkways shall be provided in various open spaces to connect to other neighborhoods and community areas. All developments shall provide exterior boundary sidewalks that meet city standards. Each development shall provide a covered, all-weather bus stop on site.
26. Tenant amenities. Developments shall include a minimum of four of the following amenities. These amenities may include but are not limited to:
 - a. Swimming pool(s),
 - b. On-site child care,
 - c. Dog park,
 - d. Exercise facility,
 - e. Gazebo,

- f. Book and video libraries,
 - g. Club house,
 - h. Improved picnic areas, jogging trails, lake(s) with constant water level (minimum ½ acre),
 - i. Playground(s),
 - j. Golf course/putting green,
 - k. Sports courts and;
 - l. Recreational fields (including but not limited to) volleyball, baseball and soccer, etc.
27. Postal facilities. A centralized, all-weather, mail facility or multiple facilities scattered throughout the complex shall be provided. Temporary parking shall be provided for each mail facility.
28. Trash recycling facility. A centralized trash recycling facility shall be provided in addition to provisions for trash collection. All recycling facilities shall be screened in a manner described for trash collection.
29. Additional provisions. Nothing listed in these requirements shall limit the city council's ability to require more restrictive standards necessary to protect the public's health, safety and welfare.

SECTION 16.5 - INDUSTRIAL/MINING

(a) ***Purpose and intent.*** The Industrial/Mining zoning district (I/M) is intended to accomplish the following purposes:

- (1) To allow the most efficient and effective utilization of extracted or quarried natural resources while minimizing detrimental impact on adjacent properties.
- (2) To minimize the conflict between urban land uses, extractive land uses and rural land uses by protecting areas suitable and desirable for mining uses from the intrusion of incompatible uses.
- (3) To protect non-mining uses within or near mining areas from the undesirable effects of mining operations.

In this section mining includes the extraction of various natural resources including bauxite, sand, gravel, limestone, granite and others. It is the intent of the I/M district to allow the mining and utilization of these resources, but not to permit the disfiguration or pollution of land beyond the point of reasonable recovery. The I/M district is designed to assure that these resources be properly managed so as not to create a hazard or nuisance which either immediately or in the future adversely affect the health, safety or general welfare of the community. This section applies to such district. For the purpose of this district, mining will not include or preclude any individual from filling, landscaping, terracing or grading any lot for development or redevelopment.

(b) ***Development criteria.*** Unless otherwise specifically provided in this chapter, the following development criteria shall apply to the I/M mining district.

- (1) Dumping of trash, waste or other offensive materials of any kind is prohibited unless officially approved as a governmental or private landfill.
- (2) Off-premises outdoor advertising is prohibited.
- (3) Any mining, extraction or quarrying operation must comply with the permitting provisions of The Arkansas Open-Cut Land Reclamation Act of 1977 (A.C.A. § 15-57-301 et seq.) and subsequent revisions or amendments.
- (4) The emission of vibration, noise, odor, smoke, dust or particulate matter outside the boundaries of the site which adversely affects the health, safety or general welfare of the community is prohibited.

(c) ***Permitted uses.*** The following uses shall be permitted in the I/M mining districts:

- (1) Any mining, extraction or quarrying operation (except for coal) which complies with the bulk and area provisions of this section along with the necessary accessory structures required for said operation.
- (2) Remediation, reclamation, restoration, conservation or research, including water and solid waste collection, transfer, storage, treatment and discharge.
- (3) Agriculture, farming, gardening, silviculture orchards and other customary agricultural pursuits.
- (4) Forestry land operations.
- (5) Industrial uses such as manufacturing, assembling and fabrication, and for warehousing,

wholesale, service uses, mining, and remediation/restoration.

A. Uses Permitted

1. General manufacturing, assembly or fabrication
2. Extraction and/or beneficiation of minerals, ores and other natural materials
3. Remediation/Reclamation/Restoration/Conservation
4. Water collection, transportation, storage, treatment, and discharge
5. Agriculture, Silviculture, etc.
6. Greenhouse or nursery
7. Airport or land field
8. Warehousing or wholesaling
9. Automobile/Truck Sales and Leasing
10. Self-Storage Facility (Mini-Storage/Mini-Warehouses)
11. Recycling/Reuse/Demolition
12. Private Roads - Not open to the general public, but serving permitted uses of the district
13. Field Assembly or Fabrication
14. Research or Testing
15. Any permitted use in the C-1 and C-2 Districts
16. Similar uses in character with the District.

B. Conditional Uses

1. Outdoor storage of materials associated with industrial uses
2. Batching or Mixing Plant, Asphaltic or Portland Cement, Concrete, Mortar or Plaster
3. Manufacturing of Cement, Lime or Plaster-of-Paris
4. Manufacturing of Ceramic Products - Brick, Tile, Clay, Glass, Porcelain
5. Manufacturing of Asphalt or Asphalt Products
6. Compounding or Packaging of Chemicals
7. Compounding or Packaging of Cosmetics, Toiletries, Drugs, and Pharmaceutical Products
8. Manufacturing of Custom Ceramic Products
9. Manufacturing of Food Products, including Slaughtering of Animals or Poultry, or Manufacture of Vinegar or Pickles
10. Storage of Flammable Gases or Liquids
11. Industrial uses having unusual accompanying hazards, such as fire, explosion, noise vibration, dust, or the emission of smoke, odor, or toxic gases may, if not in conflict with any law or ordinance in the City of Bauxite or the State of Arkansas
12. Research or Testing Laboratory
13. Petroleum Products Storage
14. Landfill
15. Uses proposed for development in this District which are not specifically listed as permitted may be considered for development if found to be "in character" with the District by the Planning Commission. The procedure for conditional use review, Section 18, shall be utilized for uses not listed.

(d) **Height regulations.** There shall be no height restriction in the I/M mining district.

(e) **Area regulations.** The requirements set forth herein relate to the distances between property lines and buildings or structures and not use areas:

- (1) **Front yard.** There shall be a front yard measured from the front property line to the building or structure, having a depth of not less than fifty (50) feet. This front yard requirement shall apply to any portion of the tract of land zoned for I/M mining which

abuts any public street.

- (2) *Side yard.* There shall be a side yard, measured from the side property line to the building or structure, having a width of not less than thirty-five (35) feet from any building or structure to the side property line.
- (3) *Rear yard.* There shall be a rear yard having a depth of not less than thirty-five (35) feet.
- (4) *Lot area regulations.* There shall be a lot area of not less than ten (10) acres. In addition, no dimension (depth or width) shall be less than two hundred fifty (250) feet.

SECTION 17 – SPECIAL PROVISIONS

Section 17.1: Accessory Dwelling Units

Amended: Ordinance 2018-13

Accessory Dwellings Units shall only be allowed on lots where there is an existing single-family residence. An existing single-family dwelling can be converted to an accessory dwelling unit. Existing Accessory Dwelling Units constructed prior to April 30, 2018 made non-conforming by these regulations shall be considered legal and conforming and may be reconstructed if demolished or destroyed for any reason.

17.1.1 Standards

- A. Owner Occupancy: The property owner must maintain permanent residence in either the principal structure or the accessory dwelling unit.
- B. Maximum Occupancy: Occupancy of the Accessory Dwelling Unit shall be limited to one family.
- C. Number Allowed: One (1) Accessory Dwelling Unit per principal structure.
- D. Size Limits: The Accessory Dwelling Unit must be less than forty (40) percent of the size of the principal structure or 1,000 square feet in gross floor area, whichever is less. It must also be at least 300 square feet in gross floor area.
- E. Setbacks and Height: The units shall meet all the required setbacks for accessory structures of the zone in which it is located. The height of the unit shall not exceed that of the principal structure, without approval of a conditional use permit.
- F. Location: The unit must be placed within the rear yard of the lot, behind the principal structure.
- G. Design: The façade materials of the unit must match or complement the façade materials of the principal structure. The applicant shall provide a materials list at the time of approval for the structure. The Development Review Committee shall have the authority to approve façade materials which do not meet this standard.
- H. Parking: One paved off-street parking space shall be provided.
- I. Accessory Structure Conversion: An existing accessory structure may be converted in whole or in part to an accessory dwelling unit provided the accessory structure is conforming and the structure or portion of the structure deemed an accessory dwelling unit meets the requirements of this Section.

Section 17.2: Accessory Structures

A. Setbacks

| Setback Requirements | | | |
|------------------------------|----------|--------------------------|------|
| Front | Interior | Exterior | Rear |
| Not permitted in Front Yard* | 5 ft | Same as Zoning District* | 5 ft |

*No part of the accessory structure shall extend closer to the property line than the principal structure.

- B. An accessory structure shall be located more than ten (10) feet from the principal building on the property, except when the accessory structure has a one hour fire rating wall on the side nearest the principal structure.
- C. No accessory building or structure shall be constructed on any lot prior to the start of construction of the principal building, without approval of a conditional use permit.
- D. The following shall govern the size of accessory structures:
 - 1. Combined size of all accessory buildings on lots greater than 1 acre in size shall not be larger than 10% of the total lot area without a Conditional Use approval.
 - 2. Combined size of all accessory buildings on lots less than 1 acre in size shall not exceed 1,000 square feet or twenty-five (25) percent of the size of the principal building, whichever is less, without Conditional Use approval.

Section 17.3: Automotive Repair Shops

Reserved

Section 17.4: Automotive Service and Fueling Stations

Reserved

Section 17.5: Automobile Wrecking and Junkyards

Reserved

Section 17.6: Child Care Centers and Daycares

Reserved

Section 17.7: Cluster Housing Development

Reserved

Section 17.8: Commercial Design Standards

17.8.1 Purpose

The purpose of this section is to create a framework for ensuring that the design of buildings will either meet minimum design standards adopted by the community or be subject to public review by the Planning Commission. This section further seeks to maintain good civic design and arrangement within the commercial corridors and neighborhoods of the city thereby assuring a desired aesthetic environment and a stable economic environment. It is the intent of this section to promote the development of buildings that:

- A. Are designed to maintain a visual aesthetic that meets a consistent standard and protects the general welfare of the community.
- B. Express individual design and creativity without detracting from the visual environment to the point at which adjoining properties will be negatively affected.
- C. Are appropriate to the context in which they reside; and
- D. Generally do not detract from the aesthetics of the location, area, and community as a whole.

17.8.2 Application and Required Information

- A. The regulations of this Section (Section 17.8) shall apply to all buildings excluding manufactured homes, single-family dwellings, two-family dwellings, multi-family dwellings, residential accessory structures, and structures intended for industrial use.
- B. Compliance with the standards shall be triggered by the following forms of construction activity:
 - 1. Construction of a new building.
 - 2. Modification to the exterior façade of an existing structure. (The Administrative Official shall have the authority to waive these requirements in situations where compliance would detract from the visual appearance of the building due to the planned modifications being limited to small portions of the building.)
 - 3. When a nonconforming structure is otherwise required to come into compliance with the provision of this Zoning Code due to destruction or other reason.
- C. The following information shall be provided by the applicant to determine compliance with these regulations:
 - 1. Rendered drawings of the front and side façade elevations of the building.

2. Materials list for front and side façades, roof structures, and trim.
3. Other pertinent information as may be required by the Administrative Official to determine compliance.

17.8.3 Procedures

- A. Administrative Approval: The Development Review Committee shall authority to review and approve or deny a building design when it meets all the following conditions:
 1. The design of the building meets all the design standards contained in Section 17.8.5.
 2. The building does not exceed two stories in height.
 3. The building is part of a building permit application or site plan review which would not otherwise require approval by the planning commission. If the building requires site plan review, its design shall be reviewed as part of the site plan review process. If the building does not require site plan review, its design shall be reviewed as part of the building permit review process. In cases that do not require site plan review, approval authority is granted to the Administrative Official.
- B. Planning Commission Approval: The Planning Commission shall review building design and approve or deny the design under the following situations:
 1. The design of the building does not meet all the design standards contained in Section 17.8.5, as determined by the Administrative Official. Such designs shall be treated as a Non-Standard Building and be reviewed under the provisions of Section 17.8.4.
 2. The building exceeds two stories in height.
 3. The building is part of a site plan review application which requires approval by the planning commission.

17.8.4 Review of Building Permits for Non-Standard Buildings

When a building design does not meet the design standards contained in *paragraph e: Design Standards* it shall require review by the Planning Commission. After submission of the required information listed in *paragraph b: Application and Required Information*, and a review period for the Administrative Official and Development Review Committee, the design shall be placed on the agenda for the next upcoming Planning Commission meeting. The submission deadlines and review period shall conform to the Planning Commission calendar established by the Administrative Official. To approve a design for a Non-Standard Building, the Planning Commission shall be required to find the following:

- A. No discernible public benefit would be gained by requiring an alternative design;

- B. The proposed design represents an innovative use of non-standard building materials to the extent that it is in harmony with the visual aspects of the location, area, and community as a whole;
- C. The proposed construction meets the spirit and intent of this section of the Zoning Code.

17.8.5 Design Standards

The following standards must be met to qualify as a Standard Building:

- A. The finished façade of the front façade, sidewall façade, or any visible side of the building shall be composed of architectural building materials. A visible side of the building shall mean any façade that faces a public street or fire apparatus access lane that is also used for public access, including internal streets developed to serve a multiple building site.

Architectural building materials shall include:

- 1. Exterior Insulation Finish Systems (EIFS) or Dryvit:



- 2. Brick or Brick Panel Systems



3. Architectural or Split Concrete Blocks, excluding standard concrete blocks/Standard CMU



4. Glass



5. Pre-Cast Concrete



6. Native Stone or Mortar



7. Wood



8. Tile



9. Stucco



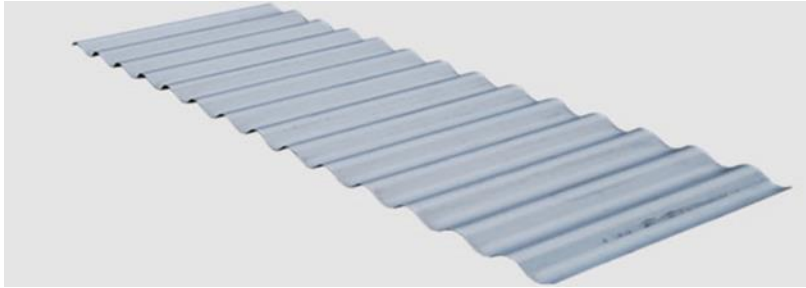
10. Aluminum Composite Panels (ACP)



11. Metal Paneling with concealed fasteners (May not exceed 30% of a total area of any one façade)



12. Metal Siding with a sine wave pattern (May not exceed 30% of total area of any one façade)



13. Hardiplank or Fiber Cement siding



- B. The front building façade shall have windows and doors comprising no less than twenty (20) percent of its total square footage.
- C. The vertical plane of each façade of the building shall not be completely flat but shall be broken vertically in a least one location by a minimum of a one (1) foot differential in the vertical plane for each one hundred (100) feet of horizontal surface or a minimum of one (1) time, whichever is more stringent. This requirement may be met by a recessed or extended entrance. Coursing or use of at least two (2) different architectural materials may be considered to meet this requirement on sidewall facades.



- D. In general, the building shall not represent a simple box-like structure or resemble a temporary or portable building.

- E. Mechanical equipment, whether ground-mounted or roof-mounted on any portion of the building must be placed or screened in such a manner that it is not visible from a public street or fire apparatus lane that is used for public access. Dumpster must be screened with a permanent walled enclosure. No fencing of any kind shall be considered a walled enclosure.

17.8.6 Appeals

- A. Appeal of Administrative Official Decision: Property owners or their agent may appeal decisions of the Administrative Official/Development Review Committee to the Bryant Planning Commission within thirty (30) days of the decision by submitting a written appeal to the Administrative Official. The Planning Commission shall hear the appeal at the next scheduled meeting. Decisions of the Planning Commission may be appealed to the Bryant City Council by submitting a written appeal within thirty (30) days of the date of the Planning Commission decision. The appeal will be placed on the City Council agenda in accordance with its adopted rules but no less than sixty (60) days following the Planning Commission decision.
- B. Appeal of a Non-Standard Building: When the Planning Commission does not approve the design of a non-standard building, the applicant may appeal the decision to the Bryant City Council provided that the applicant submits a letter stating this intent to the Administrative Official within thirty (30) days of the Planning Commission decision of denial. The appeal will be placed on the City Council agenda in accordance with its adopted rules but no less than sixty (60) days following the Planning Commission decision.

Section 17.9: Fences

Reserved

Section 17.10: Flammable Gases and Liquids

Reserved

Section 17.11: Freestanding Vending Machines

Reserved

Section 17.12: Home Occupations

Amended: Ordinance 2018-13

Home occupations are subject to the following limitations:

- A. Must not involve the use of commercial vehicles operating from the residence.
- B. Must be clearly secondary to the residential purpose of the structure and does not involve a change in the residential character or appearance of the structure.
- C. Does not require use of an accessory building or involve activity outside the principal structure other than would be normally associated with a residential use.

- D. Must not occupy more than twenty-five (25) percent of the gross floor area of one floor of the structure.
- E. Must not involve the external display of goods and services.
- F. Must be conducted solely by a person or persons residing in the structure.
- G. Must meet the definition of a home occupation.
- H. Must not involve personal services such as massage or hair care. Must not involve automotive repair, appliance repair, heavy equipment repair, kenneling of animals, or veterinary surgery.

Section 17.13: Intersection Visibility

Reserved

Section 17.14: Kennels

Reserved

Section 17.15: Live/Work Units

Amended: Ordinance 2018-13

17.15.1: Standards

Live/Work Units shall comply will the following standards.

- A. Residential use of the structure and property shall be clearly secondary or accessory to commercial use of the structure.
- B. The residents of the Live/Work Unit shall be limited to one family, which must include the owner or employee of the commercial use of the structure.
- C. The commercial use of the property must be otherwise allowed in the zone in which it is located, but shall not include sexually oriented businesses or massage parlors.
- D. The front façade of the structure must be maintained to appear commercial in nature.
- E. The commercial and residential portions of the building shall be physically separated by walls, with those portions of the structure accessible to the public occupied by commercial space.
- F. The residential portions of the structure must have separate kitchen and bathroom facilities.
- G. All portions of the structure must meet the appropriate requirements of the Arkansas Fire Prevention Code or other applicable codes.

Section 17.16: Manufactured Home Parks

17.16.1: General Requirements

All new manufactured home parks that are established or existing manufactured home parks which are expanded after the effective date of these regulations shall comply with all of the requirements and standards contained in this section.

17.16.2: Development Standards

The manufactured home park shall conform to the following standards:

- A. The minimum development site area is twenty (20) acres.
- B. Maximum density shall be six (6) units per gross acre.
- C. Only one (1) dwelling may be located on a home space as designated by the required lot size and yard areas.
- D. A site development plan shall be required showing the area and dimensions of the tract of land; the number, locations and size of all home spaces; the location and width of roadways, walkways, and recreational areas; and the location of service buildings and other proposed structures. If approved, the development shall conform to the site development plan and violation of the plan shall nullify the permit. Existing facilities or rented spaces shall not be expanded without issuance of a conditional use permit.
- E. Any manufactured home located in this district shall be set up and anchored in accordance with the Rules and Regulations of the Arkansas Manufactured Housing Commission.
- F. A dwelling moved into a manufactured home park shall be new and under warranty or inspected by the City's Administrative Official prior to being moved on site to ensure the dwelling will be inhabitable in a safe manner. The standards and criteria for the inspection are contained in Section 17.23.1, paragraph I.
- G. Dwelling units placed in manufactured home parks shall meet the following design standards:
 1. All dwelling units that do not have a built-in front porch as part of the structure shall have a covered front landing, accessible by stairs with handrails, if necessary. The landing shall be at least six feet by six feet and oriented to the front yard.
 2. Dwellings shall be clad in wood, rock, masonry, stucco, EIFS, vinyl, or fiber-cement siding. Other materials may be used subject to DRC approval.
 3. Roofs shall have a minimum pitch of (4/12). Other roof forms may be used with DRC approval.
 4. Any transportation elements including axles and hitches shall be removed from the structure.

5. The structure shall have durable skirting placed around the perimeter of the structure's underpinning.

17.16.3: Design Standards

- A. Use: Only uses which are expressly permitted in R-M shall be permitted in the Manufactured Home Park. Uses subject to a conditional use permit shall not be permitted.
- B. Lot Size: Each home space shall contain a minimum of 4,500 square feet of site area. Each home space shall have a minimum width of forty (40) feet.
- C. Home Space: Each home space shall be provided a concrete slab for anchoring the manufactured home. The slab shall be large enough to accommodate a multi-sectional manufactured home. Where a single-family home is placed, such slab is not necessary.
- D. Yard Areas: A home space shall have yard setbacks of not less than ten (10) feet on interior sides and twenty (20) feet on the front yard and rear yards. There shall be a minimum distance of twenty (20) feet between homes.
- E. Parking and Streets: A minimum of two (2) improved off-street parking spaces shall be provided per home space, each nine (9) feet by twenty (20) feet. All home spaces shall abut a public or private street with driveways consisting at least two inches of asphalt over a six-inch compacted gravel base. Any private street shall be constructed to meet City standards.
- F. Utilities: Each home space shall be provided with sanitary sewer and water service, which must be individually metered. Utility services to each home space shall be in conformance with the subdivision regulations of the City of Bryant and all utility specifications adopted by the City. A 200 amp electrical service shall be provided for each home space.
- G. Screening: Adequate landscaping and fencing shall be provided around the perimeter of the manufactured home park. A solid masonry wall at least six (6) feet in height or a metal decorative fence with dense, sight obscuring vegetation at least six (6) feet in height shall be required. Chain-link fencing shall not be considered decorative. Additional fencing and landscaping may be required by the Planning Commission as part of a Conditional Use Permit for a manufactured home park.
- H. Accessory Structures: The only accessory structure permitted per home space shall be a storage building with a maximum size of ten (10) feet by ten (10) feet, and a garage for the storage of motor vehicles, both of which must meet the yard area requirements.

Section 17.17: Mobile Food Vendor Courts

Reserved

Section 17.18: Mobile Food Vendors

Reserved

Section 17.20: Outside Commercial Display

Reserved

Section 17.21: Recreational Vehicles and Camping Trailers

17.21.1 Occupancy Prohibited

Unless already permitted or established prior to the effective date of this section, a recreational vehicles or camping trailer shall not be occupied:

- A. Permanently at any time while it is parked or stored in any area within the city limits
- B. Temporarily more than fourteen (14) days unless located in a designated and permitted recreational vehicle park, as expressly approved at a construction site, or as approved through a conditional use permit in any zone.

Section 17.22: Recreational Vehicle Parks

Reserved

Section 17.23: Residential Design Standards

17.23.1: General Standards

All single-family dwellings, two-family dwellings, and manufactured homes except those within a manufactured home park are subject to the following standards:

- A. Dwellings shall have a minimum width or length of 20 ft. on any side.
- B. Dwellings shall be oriented such that the front door of the structure faces a street.
- C. All dwelling units that do not have a built-in front porch as part of the structure shall have a covered front landing, accessible by stairs with handrails, if necessary. The landing shall be at least six feet by six feet and oriented to the front yard.
- D. Dwellings shall be clad in wood, rock, masonry, stucco, EIFS, vinyl, or fiber-cement siding. Other materials may be used subject to DRC approval.
- E. Roofs shall have a minimum pitch of (4/12). Other roof forms such as flat roofs may be used subject to DRC approval.
- F. Any transportation elements including axles and hitches shall be removed from the structure.
- G. Units shall be set up and anchored in accordance with regulations set forth by the Arkansas Manufactured Home Commission, if applicable.
- H. Units shall have a solid masonry or concrete perimeter foundation around the base of the perimeter of the structure.

- I. Dwellings moved in shall be new and under warranty or inspected by the City's Administrative Official prior to being moved on site (if located outside the city limits, inspection may be conducted by electronic means or through photos) to ensure the dwelling will be inhabitable in a safe manner based upon the following standards:
 1. All roofing material shall be secure without gaps or damaged shingles;
 2. All windows shall be operative without broken panes or damaged trim or screening;
 3. All exterior siding shall be in place and undamaged with no dents, tears, or burned sections;
 4. All kitchen and bathroom facilities shall be fully operational and all mechanical equipment in good working order;
 5. Any attached gutters shall be secure and functional;
 6. All cornice materials shall be in place and undamaged;
 7. Paint shall be uniform and unblemished;
 8. Doors shall be plumb and fully operational;
 9. Flooring shall be structurally undamaged and secure.

Section 17.24: Self-Storage Facilities

Reserved

Section 17.25: Sexually Oriented Businesses

Reserved

Section 17.26: Short Term Rental Units

Amended: Ordinance 2018-3

Short Term Rental Units shall only be allowed within a single-family dwelling or Accessory Dwelling Unit.

17.26.1 Standards

- A. Owner Occupancy: The property owner must maintain permanent residence on the premises of the Short Term Rental Unit. Proof shall be established by verification of a homestead tax credit in the name of the applicant at the time of application and at the time of business license renewal.
- B. Business License: The property owner of the Short Term Rental Unit must obtain and maintain a business license from the City of Bryant.
- C. Maximum Occupancy: Occupancy shall be limited to two (2) guests per bedroom.

- D. Rental Time Limitation: Short term rental use shall be limited to no more than one hundred twenty (120) days per year (January to December), no more than thirty (30) days consecutively, and no more than once per day.
- E. Event and Commercial Use: Use of a Short Term Rental Unit shall be restricted to lodging only. Special event or commercial use such as for weddings or parties is prohibited.

Section 17.27: Sidewalks and Shared-Use Trails

Amended: Ordinance 2017-31

17.27.1 Requirement

Construction or repair of sidewalks and shared-use trails to meet City standards shall be required at the time of issuance of a building permit or certificate of occupancy in the following instances:

- F. Building permits issued for the construction of a new principal structure on the lot.
- G. Building permits issued for construction on an existing structure where the value of the proposed work exceeds fifty (50) percent of the appraised value of the improvements on the parcel as determined by the Saline County Assessor.
- H. Building permits issued which are tied to the approval of a development subject to site plan review.
- I. Building permits issued to bring an otherwise nonconforming structure or use into conformance with the provisions of this Code. When tied to construction, sidewalks shall only be required when the proposed work exceeds fifty (50) percent of the appraised value of the improvements on the parcel as determined by the Saline County Assessor.
- J. Certificates of Occupancy issued for a change in occupancy type as determined in the Arkansas Fire Prevention Code or other applicable code.

17.27.2 Placement and Design Standards

- A. Sidewalks and shared-use trails shall be placed in conformance with the locations indicated on the Plan Map for shared-use trails and the street cross section standards of the Master Transportation Plan as well as the City of Bryant Minimum Standard Specifications for Streets and City of Bryant Subdivision and Development Code. Where conflicts arise, the provisions of the Master Transportation Plan shall control.
- B. Sidewalks and shared-use trails shall be designed in conformance with the standards of the Master Transportation Plan and City of Bryant Minimum Standard Specifications for Streets and City of Bryant Subdivision and Development Code. Where conflicts arise, the provisions of the Master Transportation Plan shall control.

17.27.3 Fee In-lieu

The City of Bryant shall be authorized to accept a fee-in-lieu of sidewalk or shared-use trail improvements upon request. Such requests shall be handled in accordance with the provisions of the Bryant

Subdivision and Development Code regarding fees-in-lieu for improvements. The Administrative Official shall have the authority to decline acceptance of a fee-in-lieu of improvements in accordance with the provisions of the Bryant Subdivision and Development Code regarding fees-in-lieu for improvements

17.27.4 Waivers

Any waiver from the requirements of Section 17.27 shall require approval of the Bryant City Council. Waivers shall only be considered in instances where strict application of the requirements of this Section would be exceedingly impractical due to circumstances unique to the property such that construction of the required improvements is technically or physically infeasible. Such request shall be made a written request to the City Council.

Section 17.28: Swimming Pools

Reserved

Section 17.29: Tree Preservation and Protection

Reserved

Section 17.30: Waste Collection and Waste Transfer Stations

Reserved

Section 17.31: Wireless Communication Facilities

A. Purpose

The purposes of these regulations are described as follows: 1) to establish a system of administering requests for siting wireless communication facilities in accordance with the provisions of the Federal Telecommunications Act of 1996; 2) to minimize the number of new towers needed by encouraging the use of existing towers and existing public and private structures; 3) to preserve the stability of land values or properties near and adjacent to proposed wireless communication facilities; 4) to protect the public health, safety, and welfare through the use of good engineering and urban design principles.

The provisions of these regulations do not pertain to amateur radio operators licensed by the Federal Communication Commission (FCC).

B. Application Review Process

Permits for the use or construction of a Wireless Communication Facility are required. Review shall be processed as follows:

1. A permit for the following may be processed and approved with necessary information and agreements, through administrative staff review:
 - A. An attached Wireless Communications Facility (Attached WCF) to be attached to an existing monopole, tower, or structure.
 - B. Antenna Arrays to be co-located on an existing Wireless Communication Tower.

C. Facilities to be located in parks or other public areas upon approval by the City Council.

D. Property located in the Airport Industrial District upon approval by the district's governing body.

2. All other Wireless Communication Facilities shall be reviewed through the Conditional Use Permit process in Section 19.2. All the restrictions, provisions, and application requirements of this Section shall apply.

C. Restrictions for New Tower Construction:

Any permit application for new tower construction will be considered only after the applicant has demonstrated to the satisfaction of the Administrative Official that:

1. No existing towers or structures are located within the geographic area that would meet the applicant's engineering requirements through collocation.
2. Existing towers or structures are not of sufficient height to meet applicant's engineering requirements.
3. Existing towers or structures do not have sufficient structural strength to support applicant's proposed antenna and related equipment.
4. The applicant's proposed antenna would cause electromagnetic interference with the antenna on the existing towers or structures, or the antenna on the existing towers or structures would cause interference with the applicant's proposed antenna.
5. The fees, costs, or contractual provisions required by the owner in order to share an existing tower or structure, or to adapt an existing tower or structure for sharing, are unreasonable. Any such costs that exceed the cost of new tower development are presumed to be unreasonable.
6. The applicant demonstrates that there are other limiting factors that render existing towers and structures unsuitable.

D. Application Requirements

All applications shall include, in addition to the other requirements for conditional use permits, when applicable, a scaled site plan, a scaled elevation view, and other supporting drawings as may be required. The Applicant shall also submit calculations and other documentation showing the location and dimensions of the WCF and all associated improvements, including information concerning specifications, site conditions, antenna locations, equipment storage facilities, landscaping, parking, access, and fencing.

E. Development Standards

1. Height

A. An attached WCF shall not add more than 20 feet in height to the existing building or structure to which it is attached.

- B. WCF with Support Structures shall have a maximum height of 200 feet in industrial and agricultural zones, 150 feet in commercial zones, and 100 feet in residential zones.

2. Setbacks

- A. Attached WCF: Antenna Arrays for Attached WCF are exempt from the setback provisions of the zone in which they are located. An Attached WCF Antenna Array may extend up to 30 inches horizontally beyond the edge of the Attached Structure so long as the Antenna Array does not encroach upon an adjoining parcel.
- B. WCF with Support Structures shall meet the setback requirements for principal structures of the underlying zone in which they are located, except for residential zoning districts.
- C. WCF with Support Structures abutting residential property on any side shall be setback from any adjoining property line a distance at least 50 percent of the height of the tower measured from the base of the tower to the property line of the residential lot.

3. Landscaping

- A. Existing mature tree growth and natural landform on the site shall be preserved to the extent feasible; provided, however, that vegetation that causes interference with the antenna or inhibits access to the equipment storage may be trimmed. Any trees in excess of six (6) inches in diameter, which are to be cut, must be indicated on the development plan.
- B. WCF shall be designed so as to be compatible with the existing structures and surroundings to the extent feasible. Such requirements shall not interfere with normal functioning of the WCF and may include the use of compatible or neutral colors, or stealth technology.

4. Lighting

- A. WCF shall not be artificially illuminated, directly or indirectly, except as may be required by state or federal law or for security of the equipment building. It shall be the Owner's responsibility to meet FAA lighting requirements, if necessary.
- B. WCF shall not display any signage or message of a commercial nature except for an inconspicuous message containing provider identification and emergency telephone numbers.

- 5. Security Fencing: WCF with Support Structures shall be enclosed by a wood, brick, or masonry security fence not less than six (6) feet in height.

6. Collocation

- A. All WCF with Supporting Structures shall be designed to accommodate a minimum of three antenna arrays where technically feasible and visually desirable.

7. Conditions

- A. Support Structures for wireless communication facilities shall be of the monopole type construction.
- B. The City may impose other conditions and restrictions upon the applicant, as it deems necessary to reduce or minimize any adverse effects and to enhance the compatibility of the WCF with the surrounding properties. Such requirements shall be reasonable and capable of being accomplished under the purposes of this section.

F. Abandonment

Any Wireless Communication Facility (WCF) which ceases operation shall be removed by the owner, and shall be reported to the City of Bryant immediately. All discontinued facilities shall be removed within six months and the site restored to its original condition, at the owner's expense.

G. Environmental Impact

- 1. Assessments of environmental impact are required by federal law to be prepared by personal wireless service carriers when the following environmental impacts occur:
 - A. Facilities are located in officially designated wilderness or wildlife areas.
 - B. Facilities threaten endangered species or critical habitats.
 - C. Facilities affect historic sites or structures
 - D. Facilities are to be located in floodplains.
 - E. Facilities that will significantly change a surface area involving wetlands, deforestation, or water diversions.
- 2. Since these assessments are already required by federal law, these provisions are incorporated into this code and certification of compliance with the National Environmental Policy Act (NEPA) (43 U.S.C. Section 4321) must be provided before any permits will be issued.

H. Timeliness

The City of Bryant shall complete final action upon any permit application within 90 days of the filing of the application unless the Applicant files a request for extension. Any decision to deny a request will be made in writing and will be supported by substantial evidence contained in a written record.

Section 17.32 Schools and Churches

A. Purpose and Intent

It is the intent of these zoning regulations to allow churches, public schools, and private schools the greatest possible flexibility in accommodating the citizens of the community. These land uses will be allowed in all zoning districts provided an adequate parking plan and open space scheme for the

proposed development is submitted to the planning commission and approved. No specific number of parking spaces or open space criteria will be specified.

B. Churches

The development of a new church site in any zoning district will require a site plan that will show the parking accommodations, open space, and landscaping. A parsonage for one family will be allowed on-site.

Site expansion of existing churches will be allowed provided additional parking requirements are addressed,

C. Public and Private Schools

New development and expansion of schools will be allowed in any zoning district provided off street parking is made available to faculty, students, and busses. If total off-street parking is not provided then an adequate parking plan must be submitted to the planning commission and approved.

Section 17.33: Airport – Industrial

A. Purpose

These district regulations apply to the land on which the Saline County Airport is located as well as to adjacent lands owned by the Saline County Airport Commission as of December 13, 2004. The purpose of this section is to establish a zoning district to protect the operation of the airport and to permit industrial development activities to be carried out by the Saline County Airport Commission.

B. Intent and Administration

It is the intent of the Bryant Planning Commission and City Council that the Saline County Airport Commission shall assume sole responsibility for the creation and enforcement of regulations for the operation and development of the property owned by the commission, including the issuance of building permits. Further, the Saline County Airport Commission shall develop standards for construction and development within the district, said standards to comply with the Arkansas State Fire Prevention Code.

SECTION 18 – BOARD OF ADJUSTMENT AND VARIANCES

A. Organization and Rules

1. A Board of Adjustment is established to consist of the members of the Planning Commission. The terms of the Board of Adjustment members shall run concurrent with their terms on the Planning Commission.
2. The officers of the Planning Commission shall hold the same offices on the Board of Adjustment.
3. A majority of the membership of the Board of Adjustment shall be considered a quorum.
4. Any action taken by the Board of Adjustment, except a public hearing, shall require a majority vote of the entirety of the Board of Adjustment.

B. Meetings and Hearings

The Board of Adjustment shall establish regular meeting dates, adopt rules for the conduct of its business, and keep a public record of all findings and decisions. Each session of the Board of Adjustment is a public meeting and public notice of the meeting/agenda items must be published in a newspaper of general circulation in the city, at least one (1) time seven (7) days prior to the meeting.

C. Powers and Duties

1. Administrative Appeals

- A. The Board shall hear appeals from the decision of the Administrative Official in respect to the enforcement and application of said Code; and may affirm or reverse, in whole or in part, any decision of the Administrative Official.

2. Variances

- A. The Board shall hear requests for Variances from the literal provisions of the Zoning Code in instances where strict enforcement of the Zoning Code would cause undue hardship because of circumstances unique to the individual property under consideration, and grant such Variances only when it is demonstrated that such action will be in keeping with the spirit and intent of the provisions of the Zoning Code.
- B. The Board of Adjustment shall not permit as a Variance, any use in a zone that is not permitted under the Code.
- C. The Board of Adjustment may impose conditions in granting of a Variance to ensure compliance and to protect adjacent property.

3. Special Exceptions

The Board of Adjustment shall be permitted to take the following actions through a special exception. Special exceptions shall not be deemed variances and shall only be required to demonstrate that such action will not harm the public health, safety, and welfare.

- A. Permit a change in use or occupancy of a non-conforming use, provided the use is less intense in regard to its external impacts as the original nonconforming use.
- B. Waive parking requirements by up to 75% where it is shown that the specific use would not need the required parking.

C. Vary any area requirements by no more than 10% of the numerical standard.

D. Appeals

A decision of the Board of Adjustment may be appealed within thirty (30) days of the decision to a court of record having jurisdiction in Saline County, Arkansas.

E. Procedure for Variance Applications

1. Application for Variance: An application for a Variance shall be filed with the Administrative Official. At the time of filing, the applicant shall provide the application fee. The application shall include the information and documents listed as required in the application. The application shall be due at least thirty (30) days in advance of the meeting at which the application will be heard.
2. Posting of Notice of Public Hearing: The applicant shall post notice of the public hearing by posting a sign on the property involved for the fifteen (15) consecutive days prior to the hearing. Posting of the sign by the prescribed time shall be the responsibility of the applicant. The city shall provide the sign. The sign shall be displayed to be prominently viewable by passing motorists or pedestrians. One sign shall be required for each two hundred (200) feet of street frontage abutting the property. Failure to provide notice in this manner shall require delay of the public hearing until notice has been properly made.
3. Public Hearing: The Board of Adjustment shall hold a public hearing on the proposed variance to allow members to comment on the application.
4. Finding of Fact: For the Board of Adjustment to approve an application for any proposed Variance, a majority of the entire Board must find that each of the following facts exist with respect to the application:
 - A. Because of the particular physical surroundings, shape, or topographical conditions of the specific property involved, the strict letter of this Zoning Code would result in an undue hardship to the owner, as distinguished from a mere inconvenience.
 - B. The conditions causing the need for a Variance are unique to the property and are not applicable, generally, to other property within the same zoning classification.
 - C. The literal interpretation of the provisions of this Code would deprive the applicant of rights commonly enjoyed by other properties in the same district under the terms of this Zoning Code.
 - D. The alleged difficulty or hardship is caused by this Code and has not been created by the applicant or a previous owner of the property.
 - E. The granting of the Variance will not harm the public welfare, other property, or improvements in the neighborhood in which the property is located.
 - F. The proposed Variance will not impair an adequate supply of light and air to adjacent property, or substantially increase the congestion of the public streets, or increase the danger of fire, or endanger the public safety, or substantially diminish or impair the property values within the neighborhood;
 - G. The proposed Variance complies with the spirit and intent of restrictions imposed by this Code.

No variance may be approved that would allow a use that is not permitted or that is implicitly or expressly prohibited. The existence of a nonconforming use or structure shall not be used as grounds to justify approval of a variance. The Board of Adjustment may provide conditions on the approval of a variance. Violation of these conditions shall be considered a violation of this Zoning Code.

5. Conditions of Variances: The Board of Adjustment may require such conditions or restrictions upon the construction, location, and operation of a Variance, as deemed necessary to secure the general objectives of this Code.
6. Effect of Denial: No application for a Variance that has been wholly or partly denied by the Board of Adjustment shall be resubmitted within a period of one (1) year from date of said denial.
7. Lapse of Variance:
 - A. Where no building or construction is involved, approvals for the use of the property for which the Variance is issued shall expire within six (6) months if not begun.
 - B. Where buildings or construction is involved, if a building permit for the construction tied to the Variance is not issued within six (6) months or completed within two (2) years, the approvals shall expire.

F. Procedure for Appeals of Decisions by the Administrative Official

1. Appeals may be made by any person aggrieved by any decision of the Administrative Official and shall be made in writing on forms prescribed by the Board within 30 days after the decision has been rendered by the Administrative Official. The appeal will be filed in the city hall. Fee for filing appeal shall be set by ordinance of the City Council, and is to be paid at time of filing.
2. Public notice of the appeal hearing shall be advertised seven (7) days in advance in a publication of general circulation within Bryant. The public notice shall give the address and location of the property, as well as a brief description of the appeal. The public hearing shall be open to comment by anyone.
3. At the hearing for the appeal, the applicant shall demonstrate to the Board of Adjustment why he/she believes the Administrative Official was incorrect in making his/her decision based upon the facts of the case and the provisions of the zoning code. Input from the public shall be allowed. The Board of Adjustment may uphold, partially uphold, or reverse the decision of the Administrative Official. The Board of Adjustment shall consider all the facts presented in determining whether the Administrative Official was correct in carrying out the provisions of the zoning code.

SECTION 19 – AMENDMENTS AND CONDITIONAL USE PERMITS

Amended: Ordinance 2016-30, 2017-31

Section 19.1: Amendments

This code may be amended by changing the text, the Official Zoning Map, or both in accordance with these procedures.

A. Request for Amendments: The following may initiate a request to amend this Code:

1. A member or members of the City Council.
2. A member or members of the Planning Commission.
3. The owner of a property or his/her appointed agent.

B. Amendments Initiated by the City Council

The City Council may refer a request for amendment to the Planning Commission to be considered in accordance with the procedures outlined in paragraph C, below.

C. Amendments Initiated by the Planning Commission

1. The Planning Commission may consider amendments or additions to the Zoning Code. If the proposed amendments are not consistent with the Comprehensive Plan, the Planning Commission must first consider and adopt any necessary changes to the plan.
2. The Planning Commission will hold a public hearing to consider amendments to the Zoning Code and amendments to the Comprehensive Plan, if required.
3. Notice of such hearing shall be published at least one time not less than fifteen (15) days prior to the date of the public hearing in a newspaper of general circulation in the City of Bryant.
4. Changes in zoning classifications initiated by the Planning Commission shall be considered comprehensive changes affecting the entire city and notice to individual property owners shall be not be made unless by Planning Commission decision.
5. The Planning Commission shall make a map and/or documents indicating the proposed changes available in City Hall for review by interested citizens and property owners at least fifteen (15) days prior to the public hearing at which the changes will be considered.
6. Following the public hearing, the proposed amendments may be approved as presented, or in modified form, by a majority of the entire Planning Commission.

7. Following its adoption of the amendments to the Zoning Code or adopted plans, the commission shall certify the adopted plans and/or recommended zoning changes to the City Council for its adoption. Approval shall require of a majority of the entire City Council.

D. Amendment Initiated by Property Owners

1. Application: An application for amendment shall be filed with the required fee with the Administrative Official at least thirty (30) days in advance of the date of the Planning Commission meeting at which the application will be heard. The application for a Zoning Amendment shall be provided by the Administrative Official on forms developed by the City of Bryant.
2. Public Hearing Notice: Upon receiving the application, the Administrative Official shall set a date for the public hearing for the application at the next regularly scheduled Planning Commission meeting.
3. Publication: Notice of the public hearing shall be published at least one time at least fifteen (15) days prior to the date of the public hearing in a newspaper of general circulation in the City of Bryant. The applicant shall bear the cost and responsibility of such advertising. The notice shall include a description of the location of the subject property, the proposed zoning change, and the time and place of the public hearing. Failure to provide notice in this manner shall require delay of the public hearing until notice has been properly made.
4. Posting of the Property: Notice of the public hearing shall be made by posting a sign on the property involved for the fifteen (15) consecutive days prior to the hearing. Posting of the sign by the prescribed time shall be the responsibility of the applicant. The city shall provide the sign. The sign shall be displayed to be prominently viewable by passing motorists or pedestrians. One sign shall be required for each two hundred (200) feet of street frontage abutting the property. Failure to provide notice in this manner shall require delay of the public hearing until notice has been properly made.
5. Notification of Adjacent Land Owners: The applicant shall attempt to inform, by certified letter, return receipt requested, all owners of land within three hundred (300) of any boundary of the subject property of the public hearing. The notice shall include a description of the location of the subject property, the proposed zoning change, and the time and place of the public hearing. A certified list of property owners, all return receipts, and a copy of the notice shall be provided to Administrative Official at least five (5) days prior to the public hearing.
6. Finding of Fact: Within thirty (30) days following the public hearing, the Planning Commission shall make a specific finding as to whether or not the change is consistent with the objectives of the Zoning Code, and the Plans adopted by the Planning Commission. The Planning Commission shall approve or deny the amendment application by a majority of the entire

Planning Commission. If denied by the Planning Commission, the application will not be heard by the City Council unless the decision is appealed by the applicant.

7. Authorization by City Council: If approved by the Planning Commission, the application shall be heard by the City Council at the next City Council meeting following the Planning Commission's approval. For approval, the application will require approval by a majority of the entire City Council via ordinance.
8. Effect of Denial of Amendment: No application for an amendment which has been denied wholly or partly by the City Council shall be resubmitted for a period of one (1) year from the date of said denial, except upon decision by the Planning Commission if substantial changes in conditions have occurred. A change of ownership of the subject property will not be deemed a substantial change of conditions.

Section 19.2: Conditional Use Permits

19.2.1 What is a Conditional Use?

Because of their unique character and impact on adjacent properties, some uses in this code are designated as conditional uses and require a permit. Depending on the nature of the use, such uses may or may not be desirable and appropriate in all circumstances and locations. Each application's location, design, configuration, and impact must be individually and carefully reviewed to determine if the use may be allowed with special restrictions and conditions of approval.

The conditional use permit process shall not allow an applicant to secure a use variance or be used as a means to circumvent the purpose and intent of the Comprehensive Plan or Zoning Code.

19.2.2 Uses

Uses listed in this code as "conditional uses" shall be the only uses for which a conditional use permit may be permitted as described in Section 19.2.4. However, where the Planning Commission makes a specific determination to treat an unlisted use as a conditional use, in accordance with Section 4.2.1, an application for a conditional use permit may be accepted for review and approval/denial.

19.2.3 Conditions

The Planning Commission may impose reasonable conditions and restrictions on any conditional use permit as may be necessary to reduce or minimize the impacts of a the conditional use, ensure compatibility with surrounding property, and to carry out the purpose and intent of this Code.

Conditions required as part of the permit may be of two types. Threshold Conditions are conditions which must be met by all proposed permits before an application may be considered for approval. Such conditions are special provisions that apply to each specific use or zoning district as well as general application requirements. Imposed Conditions are those that the Planning Commission may apply through review of the permit.

19.2.4 Procedure for Authorizing

- A. Application: An application for a conditional use permit shall be filed with the required fee with the Administrative Official at least thirty (30) days in advance of the date of the Planning Commission meeting at which the application will be heard. The application shall be provided by the Administrative Official on forms developed by the City of Bryant.

- B. Public Hearing Notice: Upon receiving the application, the Administrative Official shall set a date for the public hearing for the application at the next regularly scheduled Planning Commission meeting.
 - 1. Publication: Notice of the public hearing shall be published at least one time at least fifteen (15) days prior to the date of the public hearing in a newspaper of general circulation in the City of Bryant. The applicant shall bear the cost of such advertising. The notice shall include a description of the location of the subject property, the proposed use, and the time and place of the public hearing. Failure to provide notice in this manner shall require delay of the public hearing until notice has been properly made.

 - 2. Posting of the Property: Notice of the public hearing shall be made by posting a sign on the property involved for the fifteen (15) consecutive days prior to the hearing. Posting of the sign by the prescribed time shall be the responsibility of the applicant. The city shall provide the sign. The sign shall be displayed to be prominently viewable by passing motorists or pedestrians. One sign shall be required for each two hundred (200) feet of street frontage abutting the property. Failure to provide notice in this manner shall require delay of the public hearing until notice has been properly made.

 - 3. Development Plan Requirement: A development plan for a conditional use permit shall be required. The development plan shall include a letter of intent and a site plan. The site plan shall include the following:
 - a. Location, size, and use of buildings/signs/land or improvements;

 - b. Location, size, and arrangement of driveways and parking and loading areas as well as any vehicular maneuvering areas;

 - c. Existing topography and any proposed grading;

 - d. Proposed and existing lighting;

 - e. Proposed landscaping and screening;

 - f. Use of adjacent properties;

 - g. Scale, north arrow, and vicinity map

- h. Additional information that may be requested by the Administrative Official due to unique conditions of the site.
4. Development Plan Review: The application shall be reviewed by the Administrative Official and Development Review Committee. The Administrative Official shall provide a report and recommendation to the Planning Commission on the application's relation to and probable effect on the surrounding area as well as its compliance with the requirements of this Code and other applicable codes.
 5. Public Hearing and Planning Commission Action: The Planning Commission shall hold a public hearing to allow public comment regarding the application. Within sixty (60) days following the public hearing, the Planning Commission shall then make one of the following determinations: approve the permit as requested; approve the permit with modifications; refer the permit back to the Development Review Committee for additional consideration; or deny the permit. Applications referred back to Development Review Committee shall be subject to an additional public hearing and meet the notice requirements listed in [Section 19.2, Paragraph D, item 2](#).
 6. Appeal: Any applicant or other affected party aggrieved by a decision of the Planning Commission as it relates to a conditional use permit shall have the right to appeal to the City Council. Such appeal must be filed in writing with the City Clerk within fifteen (15) days after the Planning Commission action. The City Council may affirm, modify, deny the application. The City Council may also refer the application back to the Planning Commission for reconsideration. Such action shall not be subject to a public hearing.

19.2.5 Standards of Review and Finding of Fact

Before any conditional use permit shall be approved, the Planning Commission shall make a finding of fact to support the following standards of review, where applicable:

1. The establishment, maintenance, or operation of the proposed conditional use will not be detrimental to or endanger the public health, safety, or welfare;
2. The proposed conditional use will not harm other property in the vicinity;
3. The establishment of the Conditional Use will not impede the normal or orderly development and improvement of the surrounding properties;
4. The size of the site is adequate for the proposed use;
5. Traffic generated by the use will not unduly burden transportation facilities in the vicinity;
6. Adequate buffering devices such as fencing, landscaping, or grading are used to sufficiently protect adjacent property;
7. Safeguards limiting noxious or offensive emissions, including lighting, noise, glare, dust, and odor have been addressed in the proposed application;

G. Fees

The application fee for a conditional use permit shall be \$150. Such fee is non-refundable. No application shall be accepted and no action taken unless and until the application fee is paid in full.

G. Revocation of a Conditional Use Permit

G. Status and Revocation of a Conditional Use Permit

1. Construction: An approved conditional use permit must be commenced within six (6) months of the approval of the permit. If construction is required as part of the permit, construction must commence within six (6) months and must be completed within twenty-four (24) months.

2. Discontinuance: The permit for any use that has been discontinued for a period of greater than 365 days shall be considered invalid and revoked. Future use of the property must comply with the provisions of the underlying zoning district until a new Conditional Use Permit is obtained. The permit shall run with the land and shall be transferable from occupant/owner to occupant/owner.

3. Revocation: In the case where any of the specific terms and conditions of a conditional use permits are violated, ignored, or otherwise not observed the Administrative Official may revoke such permit. A 30-day written notice using certified mail shall be addressed to the applicant indicating the nature of the non-compliance and the applicant's right to file an appeal to the Board of Adjustment. If no appeal is filed within the 30-day period, and the non-compliance has not been corrected within 45 days of receipt of the written notice, the permit shall be revoked. Revocation shall be immediate and shall prevent use of the property in a general manner as specified within the original permit. The property shall revert to its use status prior to issuance of the conditional use permit.

H. Concurrent Applications

Conditional use permit applications and zoning amendment as well as site plan review applications may be processed by the city concurrently. However, approval for the zoning amendment or site plan shall not be considered effective unless and until and the conditional use permit is approved.

SECTION 20 - DEFINITIONS

A. For the purpose of these regulations, certain terms or words used herein shall be interpreted as follows:

1. The word shall is mandatory, the word may is permissive.
2. The word “lot” is the same as “plot”, “parcel”, or “site”.

B. For the purpose of these regulations, the following terms or words are defined as follows:

Abutting: Having property or district lines in common.

Access: The way or means by which a piece of property is ingressed or egressed or entered.

Accessory Building or Use: A building or use which: (1) is a secondary building to the primary building; (2) is located on the same lot of record as the principal building or principal use.

Accessory Dwelling Unit: A smaller, secondary site-built dwelling unit on the same lot as an existing single-family dwelling. The unit includes its own independent living facilities with provisions for sleeping, cooking, and sanitation, designed for residential occupancy independent of the primary dwelling unit.

Addition: Any construction, which increases the size of a building or residence under the same roof.

Advertising sign or structure: Any cloth, card, paper, metal, glass, wooden, plastic, plaster, stone sign or other sign, device, or structure of any character whatsoever (except public signs), placed for outdoor advertising purposes on a frame ground or on any building or structure.

Alley: A permanent public service way, which affords only a secondary means of access to abutting property.

Alteration: See Addition

Apartment: A residential use dwelling in a building containing three or more dwelling units.

Area: Area is the amount of land surface in a lot, plot, or parcel.

Area Requirements: The yard, lot area, lot width, lot coverage, and parking requirements as set forth in a specific district.

Authorized Agent: A person or persons authorized by the landowner to act in his behalf.

Basement: That portion of a building below the first floor joists, that may be enclosed for occupancy, with at least half the ceiling height below the mean level of the ground on which the building sits.

Bed and Breakfast Establishments: A residential dwelling unit with two or more rooms that are rented or intended to be rented to overnight or weekly guests but not for long term residents.

Board of Zoning Adjustment: The Planning Commission members serve as the Board of Zoning Adjustment.

Buffer: A strip of land established to protect one type of land use from another. A buffer strip is landscaped or kept as open space.

Buildable Area: The space remaining for construction on a lot after the minimum area

requirements (yards, setbacks, and coverage) have been met.

Building: See Structure.

Building, Attached: A building, which shares a continuous wall, roof, floor, or other structural element with another adjacent building.

Building, Detached: A building having no wall, roof, floor, or other structural element in common with another building.

Building, Facade: The area of a single building elevation which encompasses all of such elevation from ground or grade level to the top, and from one side to the other side of the building.

Building, Height: The vertical distance as measured from the elevation of the lowest ground to building elevation; to the highest point on the roof, excluding protrusions, antennas, and chimneys.

Building Line: A line, usually fixed parallel to a lot line, beyond which a building cannot extend under the terms of the Zoning Ordinance. It is equivalent to the yard line.

Building, Nonconforming: An existing building which fails to comply with the regulations (for height, size, area yards and location) set forth in this ordinance applicable to the district in which this building is located.

Building, Principal: A building in which is conducted the main or principal use of the lot on which said building is situated.

Certificate of Occupancy: Official certification that a premise conforms to provisions of the Zoning Ordinance, building code, and city ordinances may be used or occupied.

Care Center, Child: Any place, home or institution which receives three or more children under the age of 16 years, for care apart from their natural parents, legal guardians, or custodians, when received for regular periods of time for compensation.

Care Center, Elderly: Any facility which provides respite care on a regular basis for elderly persons, apart from their family, legal guardians, or custodians, for regular periods of time for compensation.

City: The City of Bryant, Arkansas.

Commission: The Planning Commission of the City.

Common Usable Open Space: Open space areas within a development such as a Planned Unit Development which are designed and intended for landscaping, natural preservation, or recreational use by the residents or users of the development. Drainage structures and areas used for the aerial transmission of utilities are not considered common usable open space unless made suitable for recreational use.

Conditional Use: Uses permitted in zones where they are specifically listed as conditional uses and are subject to special conditions as listed in this regulation.

Convenience Store: Retail outlets that offer products including motor fuel generally used or consumed on a day by day basis by the purchaser.

Coverage: The lot area covered by all buildings located thereon, including the area covered by roof overhang.

Design Vocabulary: The design used to create a distinctive unity where all buildings share a thematic character, and all buildings share basic design elements, which complement each other.

District: See Zoning District.

Dwelling, Attached: Adjoining dwelling units, each of which is separated from the others by one or more un-pierced common wall extending from ground to roof.

Dwelling, Combination: Ground floor retail or professional offices with a residence on the second floor. See also "Mixed Used".

Dwelling, Multiple Family (Apartments): A single structure with three or more separate family living areas. Two or more structures on one site constitute a multifamily dwelling complex.

Dwelling, Single-Family Detached: A freestanding dwelling designed for and occupied by not more than one family. A Manufactured Home or Mobile Home is not, by this regulation defined as a dwelling, Single Family Detached. The following types of structures may be construed to be Dwellings, Single-Family Detached:

1. Prefabricated Home (see definition)
2. Stick-built, Conventional Home (see definition)

Dwelling, Two Family: (Duplex) A building designed for and occupied by two families in separate dwelling units, living independent of each other. Manufactured or mobile homes shall not be "set-up" or sited to form a two family dwelling.

Dwelling or Dwelling Unit: Any room or group of rooms located within a structure forming a single habitable unit, which is intended to accommodate one family.

Easement: A right-of-way or parcel of land specified or set aside for a specific use, normally used for utilities, and other public or private use given by the owner of land to another party. Normally not used for vehicular access.

Eave: The weather protective overhanging lower edge of a roof.

Enforcement Officer: A person employed by the City of Bryant designated with the responsibility of assuring compliance with city ordinances and regulation.

Façade Wall: That portion of an exterior building wall visible from an adjacent public street. This definition covers only that portion of the wall that extends from ground level up to the roof line (not including gables).

Family: An individual or two or more persons related by blood, marriage, adoption or common bond plus any domestic or medical employees maintaining a common household in a dwelling unit.

Fence: A man-made barrier constructed to provide containment and privacy or visual separation between one ownership and another.

Flood Hazard Boundary Map (FHBM): An official map of a community, issued by the Federal Insurance Administration, where the areas within the boundaries of special flood hazards have been designated as Zone A.

Flood Insurance Rate Map (FIRM): An official map of a community, on which the Federal Insurance Administration has delineated both the areas of special flood hazards and the risk premium zones applicable to the community.

Flood Insurance Study: The official report provided by the Federal Insurance Administration. The report contains flood profiles, the water surface elevation of the base flood, as well as the Flood Hazard Boundary Floodway Map.

Floodway: The channel of a river or other watercourse and the adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than one foot.

Floor Area: The total area of all floors of a building measured to the outside surfaces of exterior walls and including halls, stairways, elevator shafts, attached garages, porches and balconies.

Floor Area Ratio: A mathematical ratio representing the gross floor area for all structures on a lot divided by the total lot area. The gross floor area shall include the calculated floor area for each story within a structure. For example, the gross floor area of a two-story structure with a 800 square foot footprint shall be expressed as 1600 square feet.

Garage Apartment: A dwelling unit for one family located on the second floor situated over a vehicular garage.

Garden Apartments: A garden apartment shall have direct ground level access to the outside.

Gasoline Service or Filling Station: Any area or land, including structure thereon, that is used for the retail sales of gasoline, oil, fuel, or other automobile accessories, and incidental services including facilities for lubricating, hand washing and cleaning, or otherwise servicing automobiles, but not including painting, major repair, or the sale of butane or propane fuels.

Guest House or Domestic Employee Quarters: Any apartment or other separate building used for family members, non-permanent visitors, or domestic employee that pay no rent.

Home Occupation: Any use customarily conducted entirely within the dwelling and carried on by the occupants thereof, which use is clearly incidental and secondary to the use of the dwelling for dwelling purposes.

Kennel: Any lot or premises on which are kept three or more domesticated house pets for commercial purposes for more than six months.

Landscaping: A combination of living plants (such as grass, ground cover, shrubs, vines, hedges, or trees) and man-living materials (such as, rocks, pebbles, sand, mulch, walls, fences or decorative paving materials) arranged or preserved in such a way to produce a scenic setting.

Live/Work Unit: A building use jointly for commercial and residential purposes where the residential use of the building is secondary or accessory to the primary commercial use.

Loading Space (Off-Street): An unobstructed, hard surface area located on public right-of-way and the use of which is for the standing, loading or unloading of trucks and trailers.

Lot: A parcel of land legally defined in a recorded deed or a recorded plat, fronting on a publicly dedicated right-of-way or other approved private drive. Said lot shall comply with the Subdivision Rules and Regulations in effect by the city and recorded by Saline, County.

Lot Area: The total horizontal area included within legally defined lines enclosing the lot.

Lot, Corner: A lot located at the intersection of two streets with frontage on both streets.

Lot Coverage: The percentage of lot area occupied by the principal and accessory buildings on such lot.

Lot Depth: The mean horizontal distance between the front lot line and the rear lot line.

Lot, Double Frontage: A lot having frontage on two non-intersecting streets.

Lot, Interior: A lot other than a corner lot, which is flanked by other lots and has only one street frontage.

Lot, Flag: The same as an interior lot except there is only driveway access to a street. No substantial street frontage is present.

Lot Line, Front: The property boundary line that runs common with and adjacent to any street frontage or right-of-way separating the lot from such street; in the case of a double frontage lot or a corner lot, each line separating such lot from the street shall be considered a front lot line.

Lot Line, Rear: That property boundary line which is generally parallel to and most distant from the front lot line of the lot.

Lot Line, Side: A lot line other than a front or rear lot line.

Lot Lines: The property boundary lines.

Lot Width: The mean horizontal distance between the side lot lines of a lot measured at right angles to the depth; measurements shall be made at the front building line to determine the minimum width allowed in this zoning regulation.

Manufactured Home (Class A and Class B): A dwelling unit fabricated on or after June 15, 1976, at a site other than the site intended for occupancy and transported to the site for occupancy. The dwelling unit shall bear a seal certifying that it is built in compliance with the federal Manufactured Housing and Safety Standards Code. The two types (Class A and Class B) of manufactured homes are distinguished as follows: The Class A Manufactured Home is shipped in two or more sections for assembly on a permanent foundation having a minimum floor area of 950 square feet. The Class B Manufactured Home is a single section placed on a permanent foundation having a minimum floor area of 720 square feet. Neither Class A nor B Manufactured Homes have ever been mounted on a chassis with attached wheels or with a towing tongue.

Mixed Use (Residential): A Mixture of land use in an existing subdivision or specific geographic area and/or consisting of two or more of the following uses on a majority of the lots: **(1) Single Family**
(2) Mobile Home (3) Duplex

Mobile Home: A single-family unit with the following characteristics: Designed for full-time occupancy; and, to be transported after fabrication on its own wheels and with towing tongue to an approved lot where it will be anchored and utilities connected.

Mobile Home Park: A mobile Home Park is any plot of ground not less than six (6) acres, upon which two or more mobile homes or class A or B manufactured housing is allowed on a rental basis.

Mobile Home Space: A mobile home space means ground within a mobile home park designed for the accommodation of one mobile home or one manufactured home.

Nonconforming Building or Structure: Any building or structure lawfully existing on the effective date of this ordinance, as amended, which does not comply with all of the regulations of this ordinance or which was previously nonconforming.

Nonconforming Use: Any use lawfully being made of any land, building or structure, on the effective date of this ordinance, which does not comply with all the regulations of this ordinance.

Occupied Space: The square feet within a structure that is occupied by patrons, visitors, employees and shoppers, waiting rooms, patient treatment areas and areas for exercise and recreation that are enclosed. Display areas, retail space, material assembly areas, meeting rooms and lodging accommodations are included. Specifically excluded from occupied space are storage areas and unimproved enclosed building space primarily for products, materials and supplies where employees are not permanently assigned. Occupied space in a motel or hotel will be 70% of the total square footage.

Opaque: As applies to a fence or screen required in this ordinance means, a fence or screen that blocks vision.

Open Space, City Network: Areas represented on the “City of Bryant Land Use Plan” as “Conservation/Open Space” and other similar areas that subsequently may be designated by the city.

Open Space, Lot, and Parcel: Shall mean a yard, court or the space between two buildings or between a building and the boundary line of a parcel not developed or improved.

Parking Lot: Any area, subject to wheeled traffic including access areas, used for parking.

Parking Space, Off-Street: A designated, lined space for the parking of a motor vehicle within a parking lot and having a permanent means of access to a street right-of-way.

Plan-Unit, Development (PUD): A fully dimensioned drawing which illustrates in detail all elements of a development proposal. A PUD can be required by the planning commission for any proposal not clearly covered in the zoning districts.

Plan, Final: A fully dimensioned drawing which illustrates in detail all elements of a development proposal including, but not limited to, property lines, streets, easements, structural elements, and landscaping. A final plan is prepared by a registered land surveyor, or architect or engineer or a disciplinary team of these professionals. A final plan further contains proper certification for accuracy and will be recorded by the county clerk.

Plan, Preliminary: A fully dimensioned drawing which illustrates in detail all elements of a development proposal. A preliminary plan is prepared by a registered land surveyor, architect or engineer and will only be changed by approval of the city.

Plat: A fully dimensioned drawing which illustrates in detail all elements of the subdivision of property including but not limited to property lines, streets, easements, drainage facilities, utilities, legal notation and the like. The final plat is suitable for filing for record with the Circuit Clerk/Recorder of Saline County.

Pre-fabricated Home: A detached single-family dwelling that is constructed in component parts such as assembled walls, trusses, joists, and the like, at a site other than the site intended for

occupancy and transported to the site for occupancy. The dwelling shall meet or exceed the building codes of the city.

Principal Use: The use, which fulfills the primary function of an establishment, institution, household, or other entity.

Property Line: The legal boundary of a lot that locates the lot by word description, and physically on the ground.

Reclassification: An amendment to or a change in the zoning ordinance reflecting a change or revision or modification of the zoning district boundary map.

Residence: A building or part of a building containing one or more dwelling units but not including:

1. Such transient accommodations as a transient hotels, motels, tourist homes, dormitories or similar establishments;
2. Nurses' residences, sanitariums, nursing homes, convalescent homes, rest homes, or other sleeping or living accommodations.

Retirement Center: A multi-family development intended for use by retired persons and not open for rental or sale to the general public.

Right-of-Way, Public: An area of land deeded, reserved by plat, or otherwise accepted and maintained by the City, the County or the State for public use.

Satellite Receiving Antenna: A dish-shaped antenna that is the visible component of a satellite earth station. It is a broadcast receiver that allows the reception of television and other signals direct from a satellite.

Short Term Rental Unit: A single-family dwelling or accessory dwelling unit or any portion thereof occupied on short term basis for the purpose of temporary lodging.

Site Plan: See Development Plan

Site Plan Review: The process whereby the Planning Commission or staff reviews the site plans and maps of a developer to assure that they meet the stated purposes and standards of this ordinance.

Stick-built, Conventional Home: A detached single-family dwelling that is principally constructed at the site from standard building materials and that meet or exceed the building codes of the city.

Storm Cellar: An accessory structure designed and used for the purpose of taking refuge from the inclement weather or other pending disaster.

Structural Alteration: Any external change in either the supporting members of a building, such as: a bearing wall, column, beam or girder; or in the dimension or configuration of the roof or other exterior wall.

Structure: Anything constructed or erected or installed by man, the use of which requires more or less permanent location on the ground or attached to something, or attached to something having a permanent location on the ground, including but not limited to buildings, towers, and smokestacks.

Town House: A row of houses (up to six) connected by common sidewalls. A single dwelling unit

in the town house arrangement may be one or two stories but no town house dwelling unit is second story only. Each dwelling unit has direct ground floor access to the outside.

Use: A purpose to which land is committed.

Variance: An exception from the strict application of the provisions of this ordinance. Only the Zoning Board of Adjustment can hear a request for a variance.

Yard, Front: The required area of open space extending across the full width of the lot, the depth of which shall be the least distance between the front line and the nearest point of the main building or of any open, unenclosed porch or paved terrace as measured from the exterior face of the building foundation.

Yard, Rear: The required area of open space extending across the full width of the lot between the rearmost main building and the rear lot line, the depth of which shall be the least distance between the rear lot line and the rear of such building.

Yard, Side: The required area of open space between the main building and the side lot line.

Yard, Exterior: Any yard which is adjacent or parallel to a public or private right-of-way.

Yard, Interior: Any yard which does not run adjacent to or parallel with a public or private right-of-way.

Zoning District: An area of land designated in the zoning ordinance in which requirements for the use of land and building and development standards are prescribed.

Zoning District Boundary: That boundary line which separates unlike zoning districts.

Appendix 1 – Grading and Excavating

ORDINANCE NO. 2002-03

AN ORDINANCE TO CONTROL THE CLEARING, EXCAVATING, FILLING AND GRADING OF UNDEVELOPED LOTS TO MINIMIZE EROSION, FLOODING AND INCONVENIENCE TO ADJOINING PROPERTY OWNERS

Whereas: It is in the best interest of the residence of Bryant, Arkansas to control the clearing, excavating, filling and grading of undeveloped lots to minimize erosion, flooding and inconvenience to adjoining property owners.

Now Therefore: Before any owner of property that is one acre or more that is unimproved alters the contours by clearing and/or grading or places more than 50 cubic yards of fill, a site clearance permit must be obtained from the City of Bryant.

Further: The applicant will complete a request for site clearance and pay a fee in the amount of \$5.00. The city will be allowed five (5) business days to process the application and to make site investigations. The city will review the application in regards to flood plain and potential or sediment runoff into drainage tributaries. The city will approve, conditionally approve subject to erosion control methods, or disapprove the application.

Permits issued will be for a specific time with no additional work being performed after the permit period. If the site is to remain unimproved after the site clearance then permanent erosion control and detention of stormwater must be provided. Property owners seeking a building permit will comply with all permit regulations.

By issuing a site clearance permit, the city in no way obligates itself to approving any re-zoning or building permit. Property owners failing to comply with this site clearance ordinance will be notified of their violation and given three (3) working days to comply or be subject to a fine of \$100.00 per day until the site has been restored.

Now Therefore: The City Council hereby adopts this ordinance with the effective date being 30 days after council approval. Property owner appeals to city action taken to enforce this ordinance will be directed to the Bryant City Council.

February 25, 2002

Date Approved

LANDSCAPING ORDINANCE

CITY OF BRYANT

SECTION I PURPOSE

The purpose of this regulation is for the City of Bryant to establish minimum standards for the provision, installation, and maintenance of landscape grading, planting, and compliment the zoning regulation in order to achieve a more healthy, beautiful and safer community in the following subject areas.

SECTION II APPLICABILITY

This landscape regulation applies to all public, private, and institutional development, expansions and redevelopment after the effective date of this ordinance except the construction of an individual single-family detached dwelling on a lot of record where the subdivision of land process is not involved. Further, the applicant for a building permit for the rehabilitation of a structure or parking lot when the cost of the rehabilitation exceeds the existing value of the structure or parking lot by fifty (50) percent or more shall, make the landscaping become conforming.

SECTION III DEFINITIONS

Words in the text or tables of the ordinance shall be interpreted in accordance with the provisions set forth in this section. Where words have not been defined, the standard dictionary shall prevail. In any case, the office of the Zoning Enforcement in Bryant shall have the right to interpret the definition of the word.

Definition Terms

Berm: A mound of earth designed to provide visual interest, screening of areas, and to reduce noise.

Buffer or Buffer Yard: A combination of physical space and vertical elements, such as plants, berms, fences, or walls, the purpose of which is to separate and screen incompatible land uses from each other.

Caliper: The diameter of tree trunks expressed in inches as determined by an instrument designed to measure the diameter of cylindrical objects.

Deciduous: A plant with foliage that is shed annually.

Evergreen: A plant with foliage that persists to the extent that it is never bare limed.

Landscaping: A design of any combination of living plants and nonliving material such as rocks, pebbles, sand, mulch, walls, fences suggested for use in this ordinance to screen or beautify specific areas.

Mulch: Nonliving organic and synthetic materials customarily used in landscape design to retard erosion and retain moisture.

Nonconforming Landscaping: areas that were established in and around Bryant prior to the adoption of this landscape ordinance that are not landscaped in accordance with at least the minimum requirements of this ordinance.

Opaque Fence: A fence that is constructed of materials in such a way that light and thus visibility is not transmitted through the fence.

Ornamental Tree: a tree planted primarily for its beauty value as opposed to its function of shade of screening even though it may perform all three functions.

Plant Unit: The number of grouping (spacing) of landscaping materials for a landscape variable as outlined by this ordinance.

Screen: An arrangement of plants, berms, fences, or walls or combinations of these and other elements designed and situated to reduce the impact of noise and visual intrusions.

Separation: An area between a street or other improvement and a parking lot to be used as a beautification area and buffer.

Shade Tree: Usually a deciduous tree - rarely an evergreen-planted primarily for its overhead canopy to produce shade.

Shrub: a woody plant, smaller at maturity than mature trees, characterized by a dense stem pattern and may be multiple trunked with foliage from the ground up.

Specimen Tree: A particularly impressive or unusual example of a species due to its size, shade, age, or any other trait that epitomizes the character of the species.

Street: A public thoroughfare for vehicle travel.

Woodlands, Existing: Existing trees and shrubs on a site contemplated for development which may be considered to accomplish the same general function as those required for the landscape plan of the contemplated development.

Zoning Definitions: The definitions in the City of Bryant zoning regulation - applies to this ordinance.

Zoning Regulation: That part of the City of Bryant zoning regulations pertaining to planting, landscaping, and beautification.

SECTION IV: MINIMUM LANDSCAPING CRITERIA

| | Residential Subdivision | C-1 | C-2 | PUD |
|---|--|--------------------------------|--------------------------------|------------|
| Trees | N/A | 1 each 1/3 acre or Fraction | 1 each 1/2 acre or Fraction | X* |
| Evergreens | N/A | 1/ 2,000 Sq. Ft. | 1/ 2,000 Sq. Ft. | X* |
| Bedding Plants or Ground Cover in Containment | Primary Entrance must be Landscaped | 100 Sq. Ft. Minimum | 100 Sq. Ft. Minimum | X* |
| Lawn (Grass) | N/A | Options | Options | X* |
| Open Space Natural or Landscaping | 100 Sq. Ft./Lot | N/A | N/A | X* |

* Landscape design must be approved

- No Planting within 5 feet of a fire hydrant.
- Spacing will be 40' between trees.
- Tree must be a minimum 3" in diameter @ the base and 12'+ tall.
- Existing trees meeting the minimum size can be counted to meet the criteria.
- No trees can be planted within thirty-foot (30') of a property comer or driveway.
- Shrubs along street fight-of-way lines cannot exceed thirty inches (30") in height.
- Separations noted in the zoning regulations must be bermed or screened with landscaping and ground cover or grass.

SECTION V. PLANT MATERIAL SELECTION

A. The following list of trees are those which have been found to be best suited to the central Arkansas area. There are many more trees that are strong growth trees but the ones in the following lists require the least amount of maintenance. Additional trees may be selected for use in required landscape areas when proven to be hearty in this area.

1. Primary List:

| <u>COMMON NAME</u> | <u>SCIENTIFIC NAME</u> |
|-------------------------|-----------------------------|
| Bald Cypress | Taxodium distichum |
| Chinese Elm | Ulmus parvifolia |
| Flowering Bradford Pear | Pyres Calleryana "Bradford" |
| Ginkgo (male) | Ginkgo bilaba |
| Honey Locust | Gleditsia triacanthos |
| Loblolly Pine* | Pinus Taeda |
| Pin Oak | Quercus palustris |
| Sawtooth Oak | Quercus acutissima |
| Sugar Hackberry | Celtis laevigata |
| Willow Oak | Quercus phellos |

*Evergreen trees

2. Secondary List:

| <u>COMMON NAME</u> | <u>SCIENTIFIC NAME</u> |
|--------------------|------------------------|
| American Holly* | Ilex opaca |
| Crab Apple | Malus spp. |
| Crepe Myrtle | Lagerstoemia indica |
| Dogwood | Comus florida |
| Hawthorn | Crataegus opaca |
| Redbud | Cercis Canadensis |
| River Birch | Betula nigra |
| Southern Magnolia* | Magnolia grandiflora |
| Swamp Red Maple | Acer reburm |
| Water Oak | Quercus nigra |
| Weeping Willow | Salix babylonica |

*Evergreen Trees

B. Trees/shrubs on public rights-of-way
All tree/shrub species listed in A, 1-2 and C, 1-2 may be used in the public tight-of-way,

C. Shrub Species

The following list of shrubs, are those which have been found to be best suited to this area and yet requiring the least amount of maintenance. This list, along with the secondary list, are those shrubs which may be planted in the required landscape area. Additional selective shrubs may be substituted when proven to be hearty in this region.

1. Primary List:

| <u>COMMON NAME</u> | <u>SCIENTIFIC NAME</u> |
|--------------------|------------------------|
| Evergreen Hollies | Ilex species |
| Nandina | Nandina domestica |

2. Secondary List:

| <u>COMMON NAME</u> | <u>SCIENTIFIC NAME</u> |
|--------------------|------------------------|
| Abelia | Abelia grandiflora |
| Boxwood | Busus sempervirens |
| Chinese Photinia | Photinia serrulata |

Note: Secondary listed shrubs require increased maintenance

D. Grasses

1. The following grasses may be used to comply with this ordinance:

| | |
|---------------|-----------------------|
| Mayer Z-52 | Zoysia |
| Bermuda Grass | Bermuda Grass hybrids |
| Centipede | St. Augustine |
| Fescue | |

2. The Grasses listed in subsection (1) above are the more commonly used grasses adjacent to vehicular use areas.

E. Ground Covers

1. The following primary list of ground covers are recommended for use to comply with this ordinance.

| <u>COMMON NAME</u> | <u>SCIENTIFIC NAME</u> |
|--------------------|------------------------------|
| DwarfNandina | N. domestica "Harbour Dwarf" |
| Junipers | Juniperus species |
| Liriope | Liriope Muscari |
| Memorial Rose | Rosa Wichuraiana |
| Mondo Grass | Ophiopagon japonicus |
| Periwinkle | Vinca minor |
| Spreading Euonymus | E. fortunei "Radicans" |

2. Secondary List: (This list can be used but must be confined to a bed.)

| <u>COMMON NAME</u> | <u>SCIENTIFIC NAME</u> |
|--------------------|------------------------|
| Carolina Jessamine | Gelsemium sempervirens |
| Dwarf Bamboo | Arundinaria pygmaea |
| English Ivy | Hedera Helix |
| Honeysuckle | Lonicera sempervirens |

SECTION VI MAINTENANCE

- A. The developer, his successor and the property owner shall be responsible for regular weeding, irrigating, fertilizing, pruning and other maintenance of all planting on private property of a development. Plant materials which are installed for compliance with this ordinance, both on private property and the public right-of-way, which exhibit evidence of insect pests, disease and/or damage, shall be appropriately treated and dead plant materials shall be replaced.
- B. The owner of land abutting a constructed public right-of-way shall be responsible for the tree planting strip lying between the private property line and the curblineline or backslope line and shall be required to regularly weed, mow, prune and maintain plantings in compliance with good horticultural practices.
- C. If the owner of land thus situated as in (2) above, neglects or refuses to maintain the areas as proscribed, after having been given ten (10) days notice in writing to maintain by the City, the owner shall be guilty of a misdemeanor.

SECTION VII PLANNING COMMISSION APPROVAL

The City of Bryant Planning Commission will review and act on all landscaping proposals at the time building plans are submitted and in the case of subdivision at the preliminary plat submittal.

A certificate of occupancy will not be issued for a commercial establishment nor will the final subdivision plat be approved until landscaping requirements are satisfied.

SECTION VIII ENFORCEMENT

The code enforcement officer of the City of Bryant will enforce this ordinance and issue citations as authorized by law.

Administrative Official: The person(s) designated by the Mayor to administer the Zoning Code.

Antenna Array: One or more rods, panels, discs or similar devices used for the transmission or reception of radio frequency signals, which may include an omni-directional antenna (rod), a directional antenna (panel) and a parabolic antenna (disc). The Antenna Array does not include the Support Structure defined below.

Attached Wireless Communications Facility (Attached WCF): An Antenna Array that is attached to an existing building or structure which shall include, but not be limited to, utility poles, signs, water

towers, with any accompanying poles or device which attaches the Antenna Array to the existing building or structure and associated connection cables, and any Equipment Facility which may be located either inside or outside the Attachment Structure.

Collocation or Site Sharing: Use of a common WCF or common site by two or more wireless communication license holders or by one wireless license holder for more than one type of communications technology or placement of a WCF on a structure owned or operated by a utility or other public entity.

FAA: The Federal Aviation Administration.

FCC: The Federal Communication Commission

FTA: The Federal Telecommunications Act of 1996.

Monopole Tower: A supporting structure composed of a solid pole without any guy-wired support.

Radio Tower, Commercial: A commercial communication tower not covered under the Telecommunications Act of 1996.

Radio Tower, Private: A radio or TV tower that is attached to a residence(s) for home or amateur use, and not covered under the Telecommunications Act of 1996.

Stealth Technology: Systems, components and materials used in the construction of the WCF, which are designed to mask or conceal the WCF to make it compatible with the surrounding property.

Support Structure: A wireless communication structure designed and constructed specifically to support an Antenna Array, and may include a monopole, guy-wire support tower, or derrick tower. Any device used to fasten an Attached WCF to an existing building or structure shall be excluded from the definition of and regulations applicable to Support Structures.

Wireless Communications: Any personal wireless service as defined in the Telecommunications Act of 1996, which includes FCC-licensed commercial wireless communications services including cellular, personal communication services (PCS), specialized mobile radio (SMR), enhanced specialized mobile radio (ESMR), paging, and similar services that currently exist or that may in the future be developed.

Wireless Communication Facility (WCF) or Tower: Any unstaffed facility covered under the Telecommunications Act of 1996 used for the transmission or reception of wireless telecommunications services, usually consisting of an Antenna Array, connection cables, an Equipment Facility, and a Support Structure to achieve the necessary elevation.